

## TORBAY COUNCIL

Report No: 14/2005

Title: Delegated Authority to declare an Air Quality Management Area

To: Executive on 22nd February 2005

### 1. Purpose

- 1.1 To request delegated powers for the Strategic Director of Environment to sign an Air Quality Management Order to expedite the need to declare an Air Quality Management Area (AQMA) in Hele.

### 2. Relationship to Corporate Priorities

- 2.1 The declaration of an Air Quality Management Area (AQMA) must be considered as part of the "Community" priority, which supports the community by the provision of statutory services and regulatory control; it also contributes to the priority of "Road Safety and Congestion."

### 3. Recommendation(s)

- 3.1 That the Strategic Director (Environment) be given the authority to declare an area in Hele to be an Air Quality Management Area.

### 4. Reason for Recommendation(s)

- 4.1 The recommendations are based on the need to manage the AQMA effectively and ensure that the needs of the residents of Hele and the delivery of other Council strategies are brought together to secure improvements at Hele Road. Owing to the timescales involved between public consultation and the declaration of the AQMA, utilising delegated powers would expedite the process, enabling government timescales to be complied with.

### 5. Key Risks associated with the Recommendation(s)

- 5.1 The Council will not incur a risk by declaring an AQMA as it is a statutory duty. However it will incur risks in managing the media interest in the AQMA and public expectation of what may be achievable. It will also incur an ongoing financial liability for future monitoring of the site.

Likelihood	6	X	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
		1	2	3	4
		Impact			

Low risk  
  Intermediate risk  
  High risk

The "x" in the above matrix denotes where the author has assessed the level of final risk to fall

## **6. Alternative Options (if any)**

6.1 For Council or the Executive to make the Air Quality Management Order.

## **7. Background**

- 7.1.1 Local Authorities have statutory duties for local air quality management under the Environment Act 1995. They are required to carry out regular reviews and assessments of air quality in their area against standards laid down in the national Air Quality Strategy and prescribed in subsequent regulations. Where the monitoring indicates that the standards cannot be met, authorities must designate Air Quality Management Areas (AQMA's) and prepare and implement remedial action plans to tackle the problem.
- 7.1.2 Once a Local Authority has identified an area of concern they should aim to designate an AQMA as soon as possible. In practice, this should be within four months from the confirmation from DEFRA that an AQMA is necessary. The AQMA must be designated by means of an Order. DEFRA confirmed Torbay Council's need to declare an order in November, which means we must declare the AQMA by the end of March 2005. However public consultation has to occur on the exact boundaries of the area, and this did not commence until January 2005.
- 7.1.3 Where an AQMA is declared the Local Authority must produce an action plan to set out what measures will be necessary to pursue the air quality objectives. It should also indicate a timescale for implementing these measures. Local Authorities are not obliged to meet the objectives, but they must show that they are working towards them. The timescale for producing the action plan is not prescribed by the Environment Act 1995, but there is an expectation by Government that they will be completed 12-18 months after the AQMA is designated.
- 7.1.4 The finite boundaries of an AQMA are a decision for each Local Authority, and it is recommended that an Order designating an area includes a map.
- 7.1.5 AQMA are not currently included in local land searches, but may be in future. However, the information can be included at a Local Authorities discretion. Access to the data collected must however be made publicly available.
- 7.1.6 Once an AQMA is declared, ongoing monitoring must be undertaken, publicly consulted upon and regularly reviewed. It is important that the resolution of air quality issues is tackled corporately, as it affects many facets of residents' lives and existing delivery of Council functions.

### Assessment at Hele Road

- 7.2.1 In 2003, Hele Road was identified as an area where elevated concentrations of nitrogen dioxide were being monitored, over a limited sample period. As a precautionary approach a further detailed monitored programme was instigated to assess the situation. The results of this were submitted to DEFRA in April 2004. Nitrogen Dioxide is one of the five main air pollutants. The elevated concentrations in Hele are primarily attributed to traffic congestion at peak times combined with the topography of the area.
- 7.2.2 DEFRA determined that the data collected was not sufficient to declare an AQMA at that stage, despite one of the sampling locations exceeding the threshold. DEFRA requested further monitoring to obtain a years worth of monitoring data.
- 7.2.3 Diffusion tubes have been deployed at representative locations along Hele Road with the co-operation of local residents. Monitoring has now been undertaken for the required 12-month period. Based on these the air quality objective (threshold)

has been exceeded at two locations (see Appendix 1).

7.2.4 It is recognised that diffusion tubes are not the most accurate method of monitoring nitrogen dioxide concentrations. In the absence of being able to install Torbay's air quality monitoring station they represent a cheap and effective method of assessment, and are widely used. This means that DEFRA require a bias factor to be applied to the raw data in Appendix 1. The results indicate that the air quality objective is currently being exceeded at the end of Hele Road near the junction of Teignmouth Road.

7.2.5 Upon receipt of our data DEFRA have now confirmed the need for us to declare an AQMA within the next month (Appendix 3). The declaration of the AQMA will be a continuous issue, with the exact boundaries of the area being subject to lengthy debate. Any such consideration should form the basis of a public consultation.

### Health Effects of Nitrogen Dioxide (NO<sub>x</sub>)

7.3.1 Nitrogen dioxides (NO<sub>x</sub>) are respiratory irritants. They may exacerbate asthma and increase susceptibility to infections.

### Possible Solutions

7.4.1 Several actions have already been identified to improve the situation, for example:

- School Travel Plan – Initial discussions have already taken place with Cuthbert Mayne school to undertake a further assessment with a view to limiting the number of vehicles;
- Assessment of on street parking in Hele Road and the potential removal of the bottleneck such parking creates;
- Undertake a transportation study of the double roundabout system and identify an alternative signalling system;
- An overall assessment of traffic flow movements along Hele Road.

### Long Term Interventions

7.5.1 Whilst solutions and improvements are identified and ultimately implemented there is a need to undertake further monitoring at Hele Road. This monitoring may be for a protracted number of years.

7.5.2 Additional monitoring will be provided with:

- (i) An air quality analyser has been purchased which will be housed in a small individual unit on site. This will provide "real-time" data on how and when concentrations of nitrogen dioxide vary and would provide more accurate data.

The size of Torbay's existing air quality monitoring station means that it cannot be re-deployed to Hele Road.

### The Way Forward

7.6.1 The declaration of an AQMA is inevitable. The management of this process, future public management, media coverage, ongoing monitoring and development of a realistic action plan are vital. Any possible solutions must be integrated into other Council strategies, e.g. Local Transport Plan (LTP).

7.6.2 Building on the existing partnerships involved in this field within the Authority, a project team has been established to drive the process forward. This group has a core membership of:

- Environmental Health Officer (air quality specialist)
- Representative from Transportation
- Representative from Environment Services Strategic Policy
- Representative from Barton Hill Road Surgery
- Hele Neighbourhood Partnership Representative
- Hele Street Warden
- A resident of Hele Road
- Ward Councillor for Hele.

MICHAEL J YEO  
STRATEGIC DIRECTOR FOR ENVIRONMENT

Contact Officer: Frances Hughes  
Telephone no. 8002

## IMPLICATIONS, CONSULTATION AND OTHER INFORMATION

### Part 1

These sections may have been completed by the Report author but must have been agreed by the named officers in the Legal, Finance, Human Resources and Property Divisions.

Does the proposal have implications for the following issues? If "Yes" - give details. <i>delete as appropriate</i>		Name of responsible officer
Legal	Yes – Duties of Local Authorities in relation to Air Quality arise under Part 1V of the Environment Act 1995. Under Sections 82-84 these involve an obligation to carry out air quality reviews, to designate air quality management areas and particular responsibilities in relation to areas so designated. Under Section 88(2) of the Act Local Authorities are required to have regard to Statutory Guidance issued by the Department for Environment, Food and Rural Affairs when carrying out any of their duties under, or by virtue of, Part 1V of the Act.	Jeremy Shute
Financial – Revenue	Yes – The options finally chosen to deal with the air quality issue and the consultation processes required thereon may have financial implications across a number of services. These will need to be considered in light of existing budget provision and commitments. The purchase of the air quality analyser has been funded within current budgets.	Adrian O'Rourke
Financial – Capital Plan	Yes – Any possible actions arising from the air quality monitoring requiring capital investment would need to be considered in the light of available Capital Budgets.	Lynette Royce
Human resources	No	Geoff Williams
Property	No	Sam Partridge

### Part 2

The author of the report must complete these sections.

Could this proposal realistically be achieved in a manner that would more effectively: <i>delete as appropriate</i>		
(i)	promote environmental sustainability?	No
(ii)	reduce crime and disorder?	No
(iii)	promote good community relations?	No
(iv)	promote equality of opportunity on grounds of race, gender, disability, age, sexual orientation, religion or belief?	No
(v)	reduce (or eliminate) unlawful discrimination (including indirect discrimination)?	No

### Part 3

The author of the report must complete this section.

	<i>delete as appropriate</i>	If "Yes", give details
Does the proposal have implications for any other Directorates?	Yes	The declaration of an AQMA will affect the way in which e.g. traffic management is organised. This will have implications for future planning applications within the AQMA, requiring travel plans for large new developments within the AQMA.

### Part 4

Is this proposal in accordance with (i.e. not contrary to) the Council's budget or its Policy Framework?		<i>delete as appropriate</i>
		Yes
1.	If "No" - give details of the nature and extent of consultation with stakeholders and the relevant overview and scrutiny body.	
2.	If "Yes" - details and outcome of consultation, if appropriate. Public Consultation yet to take place.  All local authorities required by law to declare an AQMA when Air Quality indicators exceed government guidelines.	

### Part 5

	<i>delete as appropriate</i>	If "Yes" - give Reference Number
Is the proposal a Key Decision in relation to an Executive function?	No	

### Part 6

#### **Wards**

#### **Appendices**

- Appendix 1 Annual Mean Nitrogen Dioxide Concentration Concentrations 2003/ 2004
- Appendix 2 Location of Hele Road monitoring sites
- Appendix 3 Response from DEFRA: Final Detailed Assessment Report

#### **Documents available in Members' Room**

#### **Background Papers:**

The following documents/files were used to compile this report:

## Annual Mean Nitrogen Dioxide Concentration Concentrations 2003/ 2004

Table 1: Monitored and Corrected NO<sub>2</sub> Diffusion Tube Concentrations

Location	NO <sub>2</sub> Concentration ( $\mu\text{gm}^{-3}$ )	Bias Corrected ( $\mu\text{gm}^{-3}$ )	Predicted Concentration ( $\mu\text{gm}^{-3}$ ) <b>2005</b>	Predicted Concentration ( $\mu\text{gm}^{-3}$ ) <b>2010</b>
1	40.4	37.2	36.2	28.9
2	30.6	28.1	27.3	22.5
3	42.9	39.4	38.4	31.6
4	47.8	<b>43.9</b>	<b>42.7</b>	35.2
5	44.4	<b>40.8</b>	<b>39.7</b>	32.7

(Compared against an air quality objective of  $40 \mu\text{gm}^{-3}$  .)  
(Monitoring period Aug 2003 – Aug 2004)

Location of Hele Road monitoring sites

Diffusion Tube Monitoring Locations, Hele Road, Torquay  
(additional tubes have also been positioned near the Co-op)



Response from DEFRA: Final Detailed Assessment Report

Zone 4/E13  
Ashdown House  
123 Victoria Street  
London SW1E 6DE

Telephone 020 7082 8399  
Website [www.defra.gov.uk](http://www.defra.gov.uk)  
Email [stephen.parkinson@defra.gsi.gov.uk](mailto:stephen.parkinson@defra.gsi.gov.uk)

Ms Tara Fowler  
Environmental Protection Officer  
Torbay Borough Council  
1st Floor, Roebuck House  
Abbey Road  
Torquay  
Devon TQ2 5EJ



TORBAY COUNCIL E.N. & C.P. DIVISION			
15 DEC 2004			
OFFICER	REPLY	FILE No	DOC No

Date 13 December 2004

Dear Ms Fowler

**LOCAL AIR QUALITY MANAGEMENT: FINAL DETAILED ASSESSMENT REPORT**

Thank you for consulting the Secretary of State for Environment, Food and Rural Affairs on your supplementary Detailed Assessment report.

We have shown the report to our consultants, who confirm that you have carried out an appropriate assessment. Your Detailed Assessment is thus satisfactorily completed and an Air Quality Management Area needs to be declared for nitrogen dioxide. I would remind you that Defra expects new AQMAs to be declared within four months of identification of the requirement for declaration. **Please send us copies (both a hard and electronic copy is preferable) of the AQMA order when it becomes available.** We are also pleased to see that you have already started work on the Action Plan, and we expect this to be sent to us in due course.

If you have any specific queries about the comments contained in the appraisal report, we would advise that you initially contact the help desk funded by the Department and operated by Air Quality Consultants and the University of the West of England. Details on how to contact the help desk can be found in the appraisal report.

Yours sincerely

A handwritten signature in black ink, appearing to read "Stephen Parkinson", written over a horizontal line.

Stephen Parkinson  
AIR AND ENVIRONMENT QUALITY DIVISION