

Report of:	Head of Environmental Health
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Key Decision:	Yes
Report Track:	Cabinet: 16/03/17

CABINET**16 MARCH 2017****DECLARATION OF AN AIR QUALITY MANAGEMENT AREA (AQMA)
'FIVE WAYS ISLAND' JUNCTION, A5190 HEATH HAYES****1 Purpose of Report**

- 1.1 To gain Cabinet approval for the declaration of an Air Quality Management Area as required by the provisions of the Environment Act 1995.

2 Recommendations

- 2.1 That the Cabinet agrees to the making of an Order under Section 83 of the Environment Act 1995 declaring an Air Quality Management Area.

3 Key Issues and Reasons for Recommendation

- 3.1 The outcome of an assessment of the air quality in the area in vicinity of Five Ways Island, Heath Hayes in 2016 is that it is necessary to declare an Air Quality Management Area (AQMA) for the following area:
- The A5190 Cannock Road between the junction with Heath Way and the eastern district boundary with Lichfield District Council.
 - The B4154 Hednesford Road between the junction with Brownhills Road, Norton Canes and Hayes Way, Heath Hayes
 - Wimblebury Road between the junction with the A5190 and B4154, and the junction with Brickworks Road.
- 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 detailing the AQMA is shown in Appendix 1.

4 Relationship to Corporate Priorities

This report supports the Council's Corporate Priorities as follows:

- (i) Better health outcomes – working with our partners to reduce health inequalities in the District.
- (ii) Cleaner and safer environments – striving for cleaner, greener and attractive public environments across the District.

5 Report Detail

Background

- 5.1 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 In 2016, the regulatory system changed, and the phased approach has been replaced by an Annual Status Report ('ASR').

The Council is obliged under Section 83 of the Environment Act 1995 to make an Order for the area. Subject to Cabinet approval it is intended that the Order will be declared and become effective from the 1st May 2017, thereby allowing sufficient time for the necessary notification to be undertaken.

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

1. Action Planning. The Local Authority is required to draw up an Action Plan setting out how the Authority intends to use the measures and powers available to work towards improving the air quality within an 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 district council. Where a district council is preparing an Action Plan, county councils are obliged to submit measures related to their functions (i.e. local transport, highways and public health) to help meet air quality objectives in their local area (Local Air Quality Management Policy Guidance (PG16) 2016, Ch. 3.8 to 3.12). As such, the action plan will be developed in conjunction with Staffordshire County Council.
2. Review Action Plan Progress. Progress on implementing the action plan will be reviewed annually as part of the ASR.

Annual Status Report.

- 5.2 The ASR 2016 confirmed that annual mean levels of Nitrogen Dioxide at two locations on the Cannock Road, Heath Hayes near to Five Ways Island exceed the standard of 40 µg/m³. Air quality monitoring was originally undertaken at a location on a domestic property for a prior period of two years in order to acquire robust amounts of data support this conclusion. It was supplemented by a further two monitoring locations on Cannock Road and Hednesford Road from 2015 onwards. Levels at both monitoring locations on Cannock Road have been above for the air quality standard, but are below the standard for the Hednesford Road location.
- 5.4 Upon declaring an AQMA, this authority will enter into dialogue with other interested parties to develop an action plan. This will include Staffordshire County Council and Cannock Chase Council's Planning Department. Staffordshire CC is the highways authority for the roads entering the junction. The Council's Planning Department's involvement will be necessary on two accounts. Firstly, the impact of future developments on local road usage is important. Secondly, the potential sourcing of developer contributions towards junction improvements will need to be explored.
- 5.3 Two existing AQMAs exist for the A5 Watling Street between the district boundaries at Longford and Walsall, and also includes the A460 Wolverhampton Road, Wedges Mills. These are subject to Action Plan was adopted by the Council at the Cabinet meeting of 19th December 2013 which lays out the considered approach to addressing the poor quality in the existing AQMA. It is a living document that is amended annually during the review process.

6 Implications**6.1 Financial**

There are no financial implications arising from this report. All assessments will be carried out as part of the Council's routine work.

6.2 Legal

The Council has a statutory duty to manage Air Quality in its district and where nationally set criteria are exceeded to declare 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.

6.3 Human Resources

There are no human resource implications arising from this report.

6.4 Section 17 (Crime Prevention)

There are no Section 17 (Crime Prevention) implications arising from this report.

6.5 Human Rights Act

There are no identified implications in respect of the Human Rights Act 1998 arising from this report.

6.6 Data Protection

There are no identified implications in respect of the Data Protection Act arising from this report.

6.7 Risk Management

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 authority.

6.8 Equality & Diversity

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

6.9 Best Value

There are no best value implications arising from this report.

7 Appendices to the Report

Appendix 1: Map of proposed Air Quality Management Area No.3

Appendix 2: Proposed Air Quality Management Order No. 3

Previous Consideration**Background Papers**

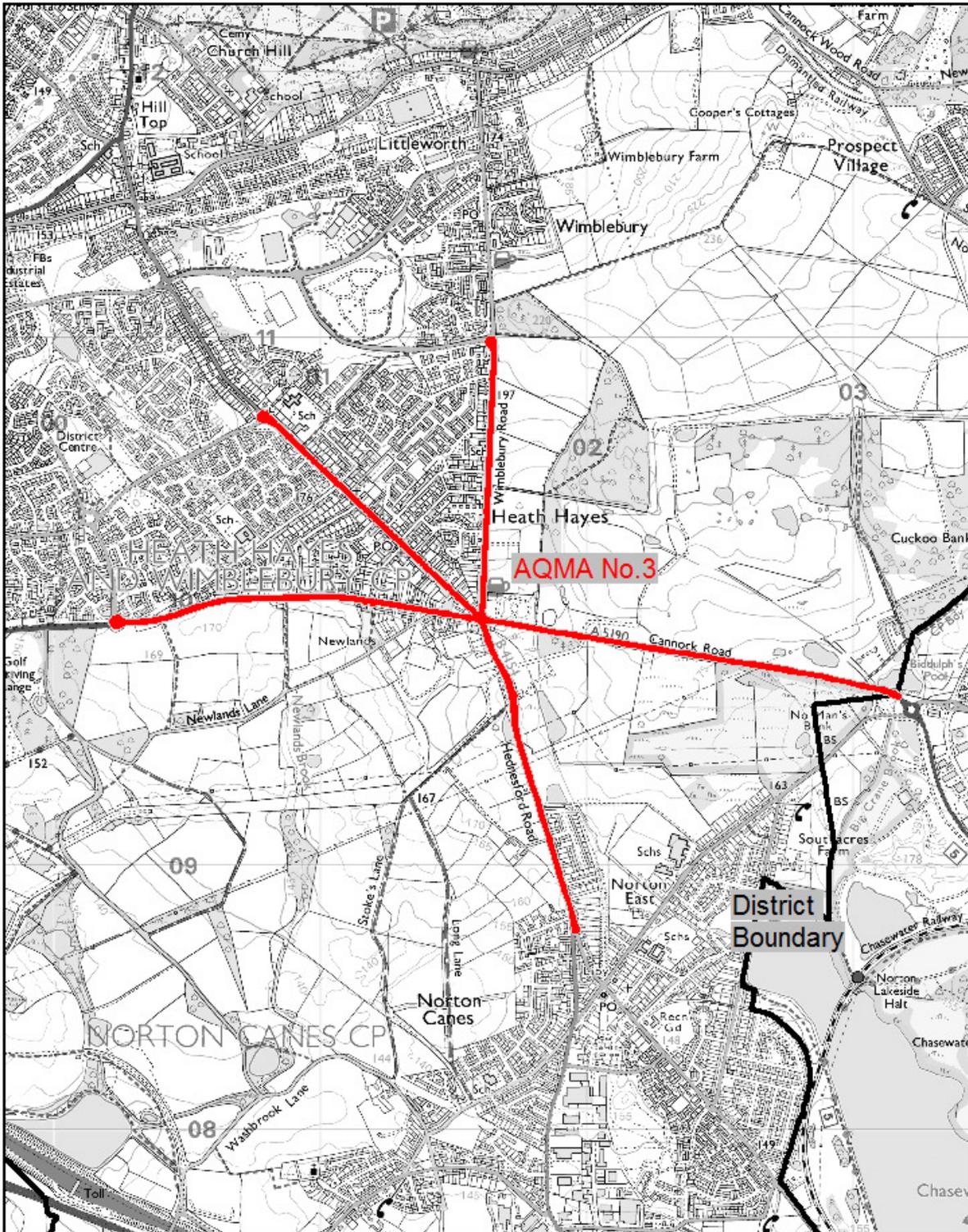
http://www.cannockchasedc.gov.uk/sites/default/files/asr_ccdc_2016_0.pdf

Cannock Chase Council 2016 Air Quality Annual Status Report (ASR)

<http://laqm.defra.gov.uk/documents/LAQM-PG16-April-16-v1.pdf>

Local Air Quality Management Policy Guidance (PG16) April 2016

	<p>Cannock Chase Council Air Quality Management Area No.3</p>	
	<p>NOT TO SCALE</p>	<p>DATE</p>



APPENDIX 2

Air Quality Management Area Order

Environment Act 1995 Part IV Section 83(2)

**Cannock Chase Council
AQMA Order**

Cannock Chase Council, in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited/referred to as the Cannock Chase Council Air Quality Management Area No 3 and shall come into effect on 1st May 2017.

The area shown on the attached map in red is to be designated as an air quality management area (the designated area). The designated area incorporates the following road sections:

- A5190 Cannock Road, Heath Hayes between the junction with Heath Way and the district boundary with Lichfield District Council.
- B4154 Hednesford Road between the junction with Brownhills Road, Norton Canes and Hayes Way, Heath Hayes.
- Wimblebury Road Heath Hayes between the junction with the A5190 and B4154 ('Five Ways Island') and Brickworks Road.

This Area is designated in relation to a likely breach of the Nitrogen Dioxide annual mean standard as specified in the Air Quality Regulations 2000 This Order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of Cannock Chase Council was hereto affixed on 13th April 2017 and signed in the presence of /on behalf of said Council

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