

Report of:	Head of Environmental Health
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Key Decision:	Yes
Report Track:	Cabinet: 21/08/14

CABINET
21 AUGUST, 2014
DECLARATION OF AN AIR QUALITY MANAGEMENT AREA (AQMA) BETWEEN
CHURCHBRIDGE AND NORTON CANES

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 between Churchbridge and Norton Canes in 2013 is that it is necessary to declare an Air Quality Management Area (AQMA) for the following area:
- A stretch of the A5 Watling Street between the roundabout junction with the A34 Walsall Road at Churchbridge and the eastern district boundary with Walsall Metropolitan Borough Council.
- 3.2 The declaration of the AQMA is required because levels of nitrogen dioxide have been found to exceed the National Air Quality Objective. 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

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

- (i) PEOPLE: active and healthy lifestyles
- (ii) PLACE: improved living environment

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 objectives for seven key pollutants set out in the Air Quality Regulations 2000 (as amended). The regulatory framework sets 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.

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 September 2014, 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. Further assessment of air quality within an Air Quality Management Area (AQMA). There is a requirement to report on a further assessment of air quality within the area within twelve months of designation.

2. 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.

Detailed Air Quality Assessment.

5.2 The Detailed Assessment of Air Quality 2012 confirmed that annual mean levels of nitrogen dioxide (NO₂) at a location adjacent to the A5 Watling Street between Churchbridge and the Turf Island, Norton Canes exceeds the objective value of 40 µg/m³. Air quality monitoring was undertaken at a location near to a domestic property for a prior period of two and a half years in order to acquire robust amounts of data support this conclusion. Levels have fluctuated above and below the objective value depending on yearly changes in factors such as traffic and weather. This has been reported to the Department for the Environment, Food and Rural Affairs (DEFRA), who have agreed that an Air Quality Management Area is required.

- 5.3 **Existing AQMA.** An existing AQMA exists for the A5 Watling Street between Churchbridge and the district boundaries at Longford and the A460 Wolverhampton Road, Wedges Mills. This was introduced in 2006 to address breaches of the nitrogen dioxide objectives in Bridgtown. This proposed AQMA for the A5 east of Churchbridge effectively provides an extension to the existing AQMA.
- 5.4 **Action Plan.** An Air Quality 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.

The Action Plan was developed from extensive dialogue between Cannock Chase Council and other interested parties, including the Highways Agency, County Highways Authority and Midland Expressway Limited and neighbouring authorities. Public consultation was also undertaken to seek the opinions of residents and businesses in the area.

The issues behind exceedences of the air quality objective along the A5 are centred on relatively high proportions of heavy goods vehicles using the road, and the close proximity of domestic properties to the roadside. As such, measures for the existing AQMA will also have beneficial impact for the proposed AQMA. A combined Action Plan for both the existing and proposed AQMA will be developed when the document is reviewed annually.

Discussions are currently underway with the Planning Department to seek funding from developments where there is an air quality implication. It is anticipated that this would be utilised to fund a scheme to help reduce emissions from commercial vehicle fleets, and would involved partnership working with other local authorities and businesses.

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 monitors 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

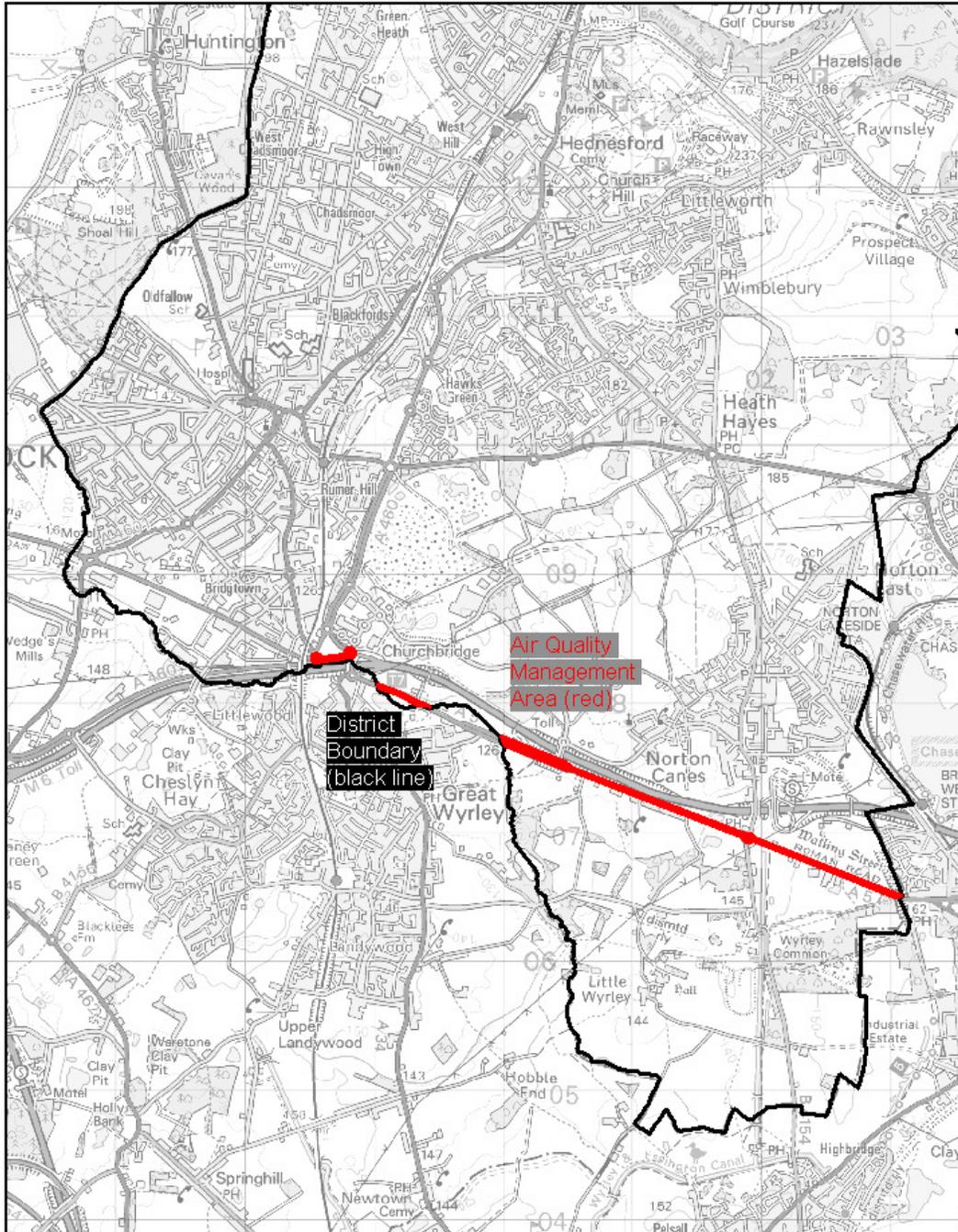
- APPENDIX 1 Map of proposed Air Quality Management Area No.2
- APPENDIX 2 Proposed Air Quality Management Order No. 2

Previous Consideration

Background Papers

APPENDIX 1

	Cannock Chase Council Air Quality Management Area No.2		
	NOT TO SCALE	DATE	



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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 2 and shall come into effect on 1st September 2014.

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 stretches of the A5, Watling Street within the Cannock Chase Council area between the junction with the A34 and the district boundary with Walsall Metropolitan Borough Council at Brownhills. The map may be viewed at the Council Offices

This Area is designated in relation to a likely breach of the nitrogen dioxide annual mean objective 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 onAUGUST 2014 and signed in the presence of /on behalf of said Council