

SUBJECT: AMENDMENT OF LINCOLN'S AIR QUALITY MANAGEMENT AREAS

DIRECTORATE: DEPARTMENT OF COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: IAN WICKS (POLLUTION CONTROL OFFICER)

1. Purpose of Report

- 1.1 To seek approval from the Executive Committee to commence consultation on the revision and revocation of the Council's existing Air Quality Management Areas; and
- 1.2 To request that the Executive Committee grants delegated power to the Portfolio Holder for Environmental Services and Public Protection, in consultation with the Assistant Director (Health and Environment), to authorise making subsequent amendment or revocation orders relating to the existing Air Quality Management Areas, subject to any consultation responses.

2. Executive Summary

- 2.1 The City of Lincoln Council currently has two Air Quality Management Areas (AQMA's), which have been declared by the Council due to historical non-compliance with the national air quality objectives for nitrogen dioxide and PM₁₀ (particulate matter smaller than 10 microns), two road traffic related pollutants.
- 2.2 The Council's latest detailed air quality assessment, which was completed in March 2017, confirms that there has been a significant air quality improvement in many areas of the city. As a result, the report concludes that the AQMA for nitrogen dioxide can be reduced in size and the AQMA for the PM₁₀ can be revoked due to these improvements.
- 2.3 Before significantly amending or revoking an AQMA, the Council is obliged to consult with a number of statutory consultees. The Council may also consult with other relevant stakeholders. This report is seeking the approval of the Executive Committee to commence this consultation process.

3. Background

- 3.1 The Environment Act 1995 places a duty on the Council to regularly review air quality within the city against a number of national air quality objectives. The objectives are human health based standards, seeking to protect the most vulnerable in society, i.e. the very young, the elderly and those with pre-existing conditions. Historically, areas closest to the city's busiest roads have been found to have pollution levels above the national objectives for two pollutants – nitrogen dioxide (NO₂) and fine particulates (PM₁₀).

- 3.2 Where exceedances of the objectives are found to be likely, the 1995 Act requires the local authority to declare one or more Air Quality Management Areas covering, as a minimum, all those areas where the objectives are likely to be breached.
- 3.3 The Council has declared two Air Quality Management Areas. The first, relating to NO₂, was declared in 2001 and was subsequently amended in 2014 (*this was a minor amendment that did not require consultation*). A map showing the existing NO₂ AQMA can be seen in Figure 1 of Appendix 1.
- 3.4 The second AQMA was declared for PM₁₀ in 2008. The PM₁₀ AQMA was originally declared as a citywide AQMA due to a study in 2007 suggesting that there may be problems at thirteen road junctions around the city. Rather than declaring thirteen separate AQMAs, it was decided to declare one large AQMA. A subsequent detailed air quality assessment in 2009 showed that there was only one junction (Broadgate/Monks Road/Silver Street/Clasketgate) where an exceedance was likely.
- 3.5 Since the declaration of the AQMAs, the Council's monitoring network has shown that there has been significant improvement in air quality over the last 5 years, which prompted the commissioning of a detailed assessment of pollution levels in the city during 2016/17.
- 3.6 In terms of what has led to the improvement, it is likely to be due to a combination of actions at a local, regional and national level. Local measures are presented in the City Council's latest Annual Status Report 2017 (see <https://www.lincoln.gov.uk/living-in-lincoln/public-land-litter-and-flytipping/air-quality/>). These measures, along with improvements to the vehicle fleet through natural renewal and technological improvements to vehicles, industrial processes and commercial/domestic heating systems, will have had a beneficial impact. One of the biggest influences appears to be a significant reduction in background levels in the last 5 years (an urban background monitoring site located at City Hall has reduced by some 7 to 8 micrograms per meter cubed during this period – this is located at City Hall away from any immediate influences e.g. busy roads).

4. Main Body of Report

- 4.1 The 2017 detailed air quality assessment confirms that air quality has improved along large parts of the local road network, with all areas of the city expected to meet the national objectives for PM₁₀. Also, although some areas are still identified as being above the objectives for NO₂, the size of the area where those exceedances are likely to be seen has significantly reduced meaning that the number of people likely to be exposed to poor air quality has also significantly reduced.
- 4.2 The report therefore recommends that the boundary of the NO₂ AQMA be amended so that it only includes those areas that are likely to either exceed or be within 10% of the national air quality objectives for this pollutant. (See Figure 2 of Appendix 2 for a map showing the minimum extent of the amended NO₂ AQMA.)

- 4.3 Furthermore, with the detailed assessment confirming that all areas of the city are likely to be consistently complying with the PM₁₀ air quality objectives, the report recommends that the PM₁₀ AQMA be revoked in its entirety.
- 4.4 Before any significant amendments or revocations of AQMA's can be made, the Council has to consult with statutory consultees. The consultation may be widened to include other non-statutory consultees who may hold information that could affect the decision to amend or revoke an AQMA.
- 4.5 As a minimum, it is proposed that the following organisations would be consulted:
- Environment Agency (statutory consultee)
 - Defra (statutory consultee)
 - LCC Highways (statutory consultee)
 - West Lindsey DC and North Kesteven DC (statutory consultees)
 - LCC Public Health (non-statutory consultee)
 - PHE (East Midlands) (non-statutory consultee)
 - Planning Policy (non-statutory consultee)
 - Bus Operators (non-statutory consultees)
- 4.6 There is no statutory consultation period defined within the legislation and, as such, it is proposed that the consultation will last for four weeks.
- 4.7 The consultation questions will seek to establish the following:
- a) Are there any proposed developments that are likely to make a significant contribution to PM₁₀ or NO₂ levels within central Lincoln over the next five years, due to additional road traffic or industrial emissions? If yes, what are they and is any data available to be able to quantify those impacts?
 - b) Do you object to the PM₁₀ AQMA being revoked or the boundary of the NO₂ AQMA being amended? If yes, please provide your reasons?
- 4.8 There is no intention to consult the general public at this stage, other than through publishing on the website, as the decision to revoke or amend an AQMA is a technical procedural matter that is unlikely to have any significant direct impact on local residents. (The general public will be consulted on any revision of the Air Quality Action Plan for NO₂, which is one of the projects identified in Vision 2020.)
- 4.9 Whilst the Assistant Director (Health and Environment) is authorised under the Constitution to implement duties under the Environment Act 1995, it is felt appropriate that authority for making any subsequent amendment or revocation orders in relation to the Air Quality Management Areas are delegated to the portfolio holder in consultation with the Assistant Director (Health and Environment), subject to any consultation responses.

5. Strategic Priorities

5.1 Let's enhance our remarkable place

The review and revision of the Council's existing Air Quality Action Plan is a key project detailed under this Vision 2020 priority. The amendment/revocation of the existing AQMAs, to more accurately reflect those areas that are currently affected by poor air quality, will enable the review the Air Quality Action Plan to focus on those parts of the city where improvement measures are most needed.

6. Organisational Impacts

6.1 Finance

The proposal to consult on and to amend/revoke the existing AQMAs should not have any significant cost implications.

6.2 Legal Implications including Procurement Rules

If, after consultation, the Council decides to amend or revoke either of the existing AQMAs, it would need to issue appropriate Orders under Part IV of the Environment Act 1995.

6.3 Equality, Diversity & Human Rights (including the outcome of the EA attached, if required) – None

7. Risk Implications

7.1 (i) Options Explored

None – this is a statutory process.

7.2 (ii) Key risks associated with the preferred approach – There should be no significant risks associated with consulting on proposals to amend or revoke the AQMAs as the process is primarily seeking evidence to establish whether it is appropriate to proceed with any amendment/revocation.

With regards to any resulting amendment/revocation of the AQMAs, a key risk would be that air pollution deteriorates at some point in the future and AQMAs would have to be expanded again or new ones introduced. The fact that any amendment to the current AQMAs would include any areas that are likely to be within 10% of the national air quality objectives provides an allowance for any future fluctuations in pollution concentrations, so reduces the likelihood that future expansion of the AQMA's will occur.

In terms of public perception, the views of the Communication Team have been sought on the possible impact on the Council's reputation, with particular regards to the siting of the Transport Hub within the existing and proposed amended NO₂ AQMA. Taking into account that the amendments are coming about due to improvements in pollution levels, which is good news, and the fact that air quality impacts of the Transport Hub were fully considered and addressed through the planning process, it is not considered that there will be any significant adverse reaction to the proposals that could not be readily managed.

8. Recommendation

- 8.1 That the Executive Committee approves the commencement of consultation on the revision and revocation of the Council's existing Air Quality Management Areas; and
- 8.2 The Executive Committee grants delegated power to the Portfolio Holder for Environmental Services and Public Protection, in consultation with the Assistant Director (Health and Environment), to authorise making subsequent amendment or revocation orders in relation to the existing Air Quality Management Areas, subject to any consultation responses.

Is this a key decision?

No

Do the exempt information categories apply?

No

Does Rule 15 of the Scrutiny Procedure Rules (call-in and urgency) apply?

No

How many appendices does the report contain?

One (Appendix 1 – AQMA Maps)

List of Background Papers:

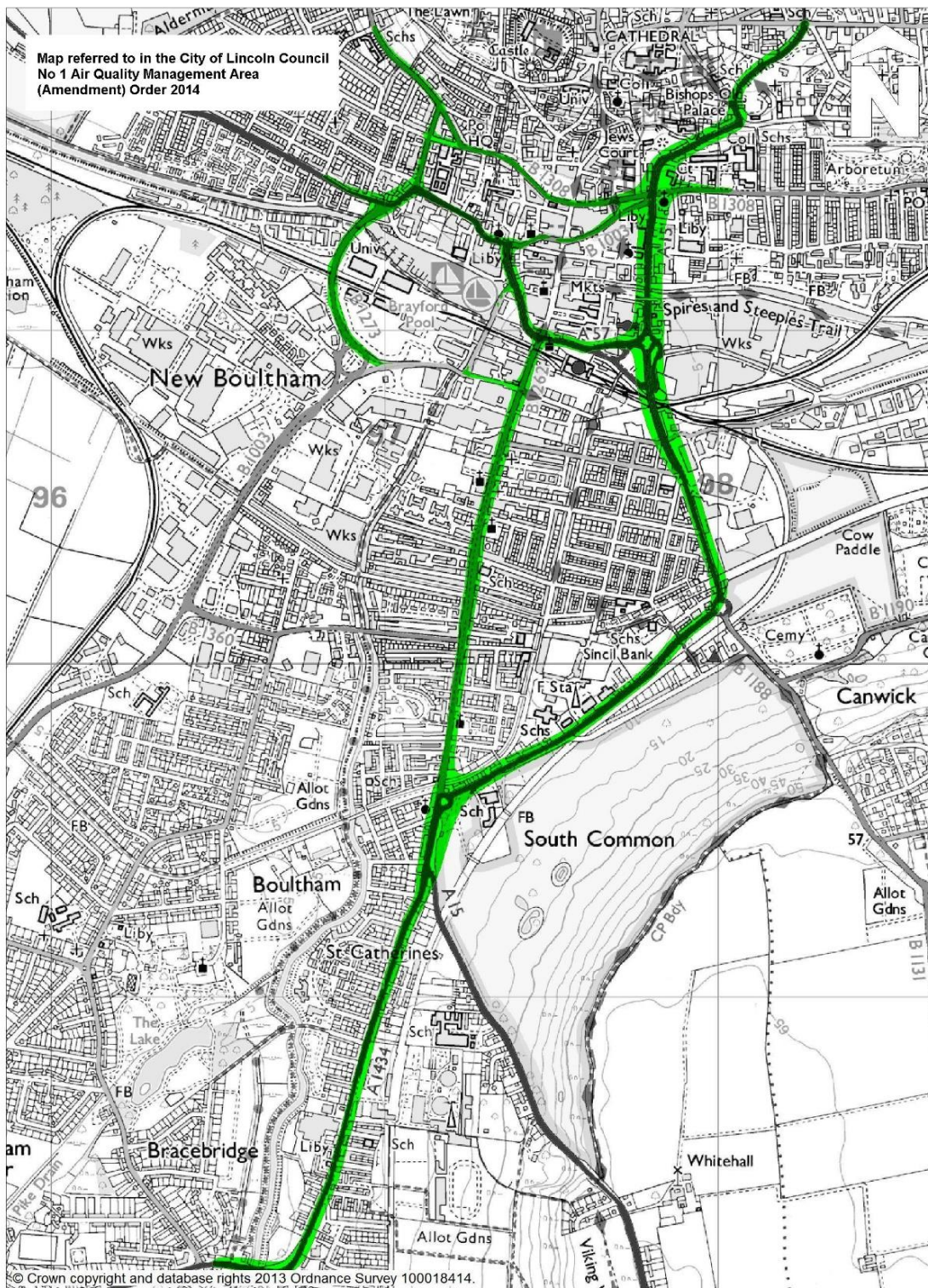
None

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Appendix 1 – AQMA Maps

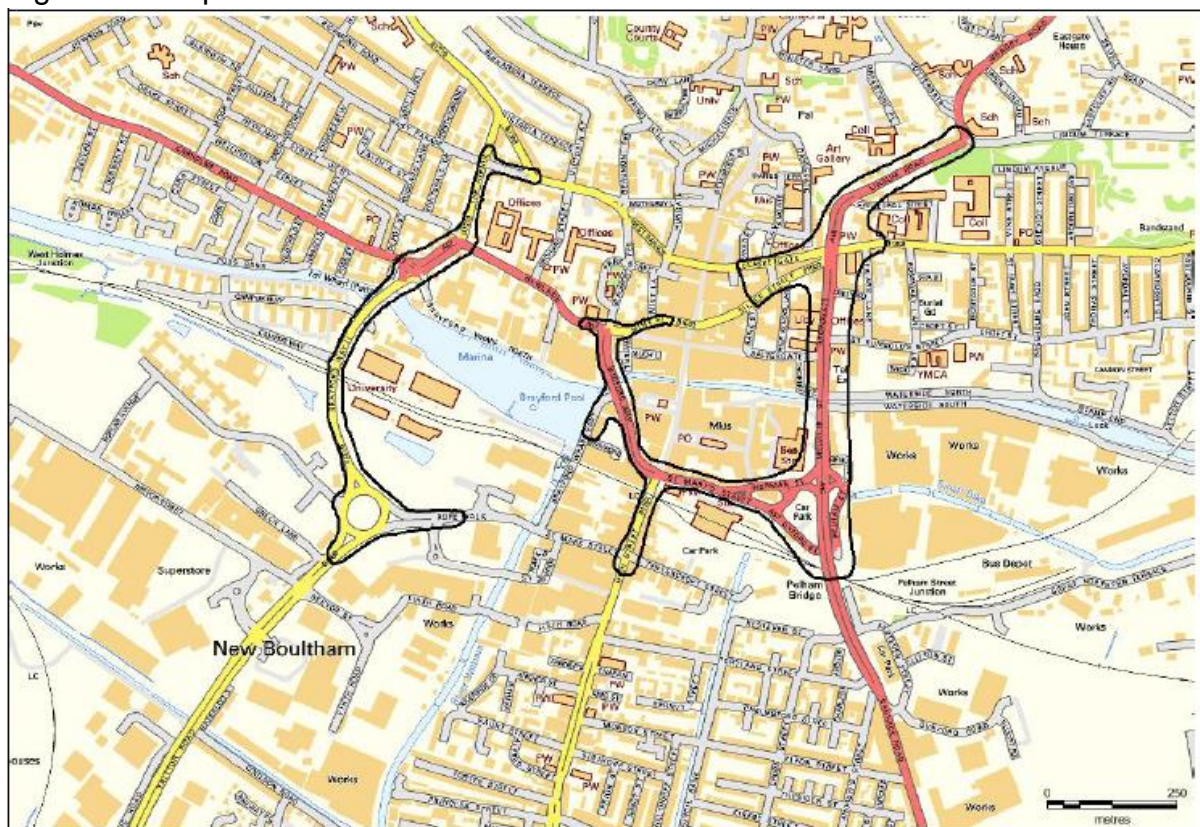
Figure 1 - Existing NO₂ AQMA



The area marked green is that which has been designated
Air Quality Management Area No.1 (as amended 2014)

Scale: 1:15000 at A4

Figure 2 - Proposed minimum extent of the amended NO₂ AQMA*



* It is likely that the final area will connect the two separate outlined areas (i.e. via Newland, Silver Street, West Parade/Clasketgate)