

SUBJECT:	REVOCATION OF LINCOLN'S AIR QUALITY MANAGEMENT AREA
DIRECTORATE:	COMMUNITIES AND ENVIRONMENT
REPORT AUTHOR:	SIMON COLBURN ASSISTANT DIRECTOR, (HEALTH AND ENVIRONMENT)

1. Purpose of Report

- 1.1 To seek approval from Executive to commence consultation on the revocation of the Council's existing Air Quality Management Areas; and
- 1.2 To request that Executive grants delegated power to the Portfolio Holder for Remarkable Place, in consultation with the Assistant Director (Health and Environment), to authorise making a subsequent revocation order relating to the existing Air Quality Management Area, subject to any consultation responses.

2. Executive Summary

- 2.1 The City of Lincoln Council currently has one Air Quality Management Area (AQMA), which was declared by the Council due to historical non-compliance with the national air quality objective for nitrogen dioxide, a road traffic related pollutant.
- 2.2 The Council's air quality monitoring data for the last 5 years confirms that there has been a significant improvement in air quality throughout the city. As a result, the Council's latest Annual Status Report on air quality to Defra recommends that the AQMA for nitrogen dioxide be revoked, in accordance with national guidance. The proposal to revoke the AQMA is also supported by Defra.
- 2.3 Before 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 Executive 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 several 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 nitrogen dioxide (NO₂).
- 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 originally declared an Air Quality Management Area for NO₂ in 2001. This AQMA was subsequently amended in 2014 and again in 2018. A map showing the existing NO₂ AQMA can be seen in Figure 1 of Appendix 1.
- 3.4 Since the last amendment to the AQMA in 2018, the Council's monitoring network has shown that there has continued to be significant improvement in NO₂ levels, with compliance with the national air quality objectives being seen at all monitoring locations from 2019 onwards.
- 3.5 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 Annual Status Reports, with the latest 2024 Report recently being submitted to Defra for approval. 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. In particular, the opening of the Lincoln Eastern Bypass appears to have had significant beneficial impact along Canwick Road and Broadgate. The development of the Transport Hub and the introduction of the East-West Link Road are also likely to have made positive contributions to improvements in air quality.

4. Details

- 4.1 The Council's Annual Status Report (ASR) on Local Air Quality 2024 confirms that all areas within the AQMA have been complying with the national objective for NO₂ since 2019.
- 4.2 Defra's guidance document on local air quality, Local Air Quality Management Technical Guidance (TG22), advises that:

"The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where NO₂ monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO₂ concentrations being lower than 36µg/m³ (i.e. within 10% of the annual mean NO₂ objective). There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period."

There has been no monitored exceedance of the NO₂ objective in the AQMA since 2018, when the last exceedance was measured on Broadgate, and there has been no measured annual mean concentration within 10% of the NO₂ objective since 2019.

- 4.3 The advice on revocation was re-iterated in Defra's appraisal of our ASR 2024, adding:

"Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM."

- 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 revoke an AQMA.
- 4.5 As a minimum, it is proposed that the following organisations would be consulted:
- Environment Agency
 - Defra
 - LCC Highways
 - West Lindsey DC and North Kesteven DC
 - LCC Public Health
 - Central Lincolnshire Local Plan Team
 - Bus Operators
 - Internal Planning and Major Developments teams
- 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 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 NO₂ AQMA being revoked? If yes, please provide your reasons?
- 4.8 There is no intention to consult the general public at this stage as the decision to revoke an AQMA is a technical procedural matter, which is unlikely to have any significant direct impact on local residents. (The general public will be consulted on any new local air quality strategy, which the Council will be required to develop following the revocation of the AQMA.)
- 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 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.
- 4.10 Following revocation, the Council will be obliged to put in place a local air quality strategy to ensure air quality remains a high-profile issue and to enable a quick response should there be any deterioration in air quality at any location within the city. The development of a local air quality strategy will require a robust consultation process and shall be subject to separate committee reports and approvals. Defra will also be formally notified.

5. Strategic Priorities

5.1 Let's enhance our remarkable place

The revocation of the Council's remaining Air Quality Management Area provides a clear statement that the city's air quality has significantly improved since the introduction of the local air quality management regime. Compliance with the national air quality objectives means that residents and visitors to the city are able to benefit from breathing cleaner air and be less likely to suffer from associated adverse health impacts.

6. Organisational Impacts

6.1 Finance (including whole life costs where applicable)

The proposal to consult on and to revoke the existing AQMA should not have any direct cost implications.

6.2 Legal Implications including Procurement Rules

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

6.3 Equality, Diversity and Human Rights

The Public Sector Equality Duty means that the Council must consider all individuals when carrying out their day-to-day work, in shaping policy, delivering services and in relation to their own employees.

It requires that public bodies have due regard to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations between different people when carrying out their activities

The proposal to consult on and to revoke the existing AQMA should not have any implications for equality, diversity or human rights.

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 revoke the AQMA as the process is primarily seeking information to establish whether it is appropriate to proceed with the revocation.

With regards to any resulting revocation of the AQMA, a key risk would be that air pollution deteriorates at some point in the future and a new AQMA has to be introduced. The Council will continue to monitor air quality across the city to identify any causes for concern in terms of future air quality trends. We will also be developing a local air quality strategy to ensure air quality remains a high-profile issue and to enable a quick response should there be any deterioration in air quality at any location within the city.

These measures will reduce the likelihood that a future reintroduction of an AQMA will occur.

8. Recommendation

- 8.1 That Executive approves the commencement of consultation on the revocation of the Council's existing Air Quality Management Area; and
- 8.2 Executive grants delegated power to the Portfolio Holder for Remarkable Place, 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:

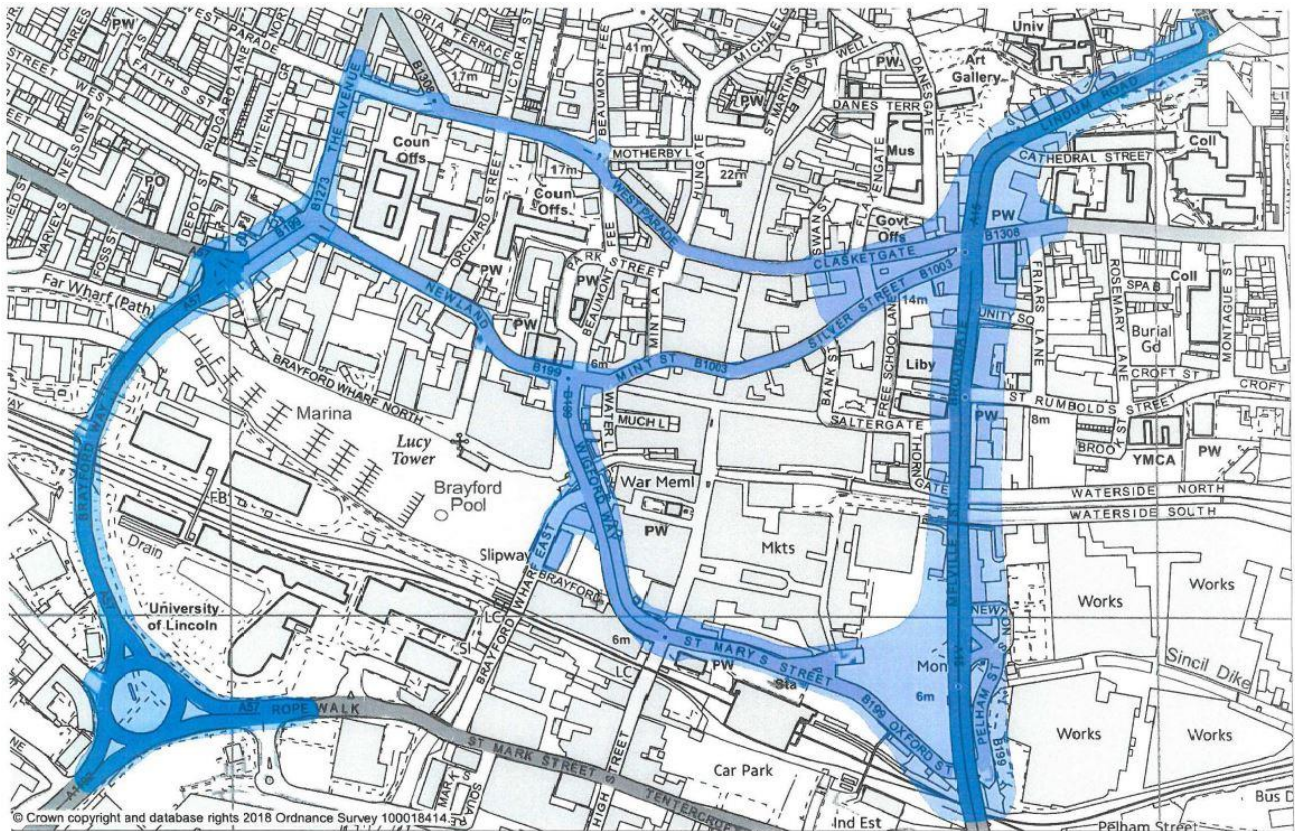
None

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Appendix 1 – AQMA Maps

Figure 1 - Existing NO2 AQMA



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Map referred to in the City of Lincoln Council No 1 Air Quality Management Area (Amendment) Order 2018

Scale: 1:5000 at A4

Version 1: February 2018