	
<b>Meeting of Cabinet Member for City Strategy and Air Quality</b>	<b>12 April 2012</b>
Report of the Assistant Director – Housing and Public Protection	

## **An Air Quality Management Area (AQMA) in the Leeman Road Area**

### **Summary**

1. The purpose of this report is to update the Cabinet Member on the results of a public consultation exercise undertaken in relation to the declaration of a new Air Quality Management Area (AQMA) in the Leeman Road area. A new AQMA is required due to exceedences of the health based annual average nitrogen dioxide objective along Salisbury Terrace.

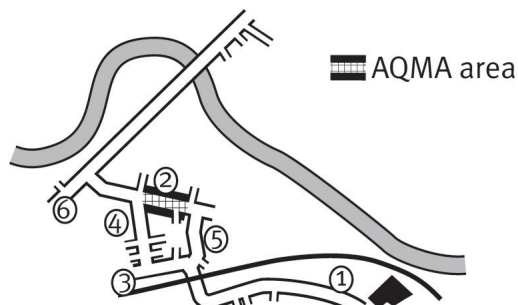
### **Background**

2. City of York Council's Air Quality Progress Reports, submitted to DEFRA in April 2010 and April 2011, identified a number of air quality monitoring sites outside the existing Air Quality Management Area (AQMA) where elevated concentrations of nitrogen dioxide had been monitored in recent years. One of these sites, Salisbury Terrace, had exhibited consistently elevated concentrations of nitrogen dioxide, and thus a 'Detailed Assessment' of nitrogen dioxide concentrations in this area was required by DEFRA.
3. A Detailed Assessment has been carried out (report available online at: <http://www.jorair.co.uk/index.php?page=reports>) for the area of Leeman Road near Salisbury Terrace. Diffusion tube monitoring work has indicated that concentrations of nitrogen dioxide are above health based air quality objective values along a short stretch of Salisbury Terrace.

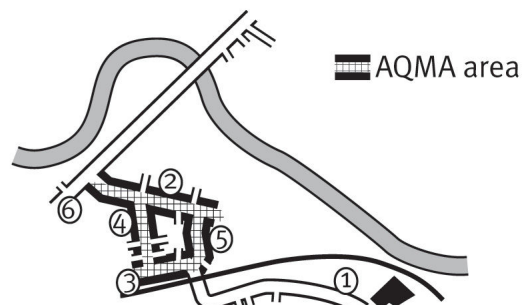
4. The most recent monitoring data for this area has indicated breaches of the annual average nitrogen dioxide objective at a small number of monitoring sites between the two rows of terraced properties flanking Salisbury Terrace, and suggests that the area of exceedence is limited to the area of Salisbury Terrace between the junctions with Lincoln Street and Balfour Street. Within this area, surveys have indicated that approximately 52 households are being exposed to concentrations of nitrogen dioxide above the government's health based objective for long term exposure to nitrogen dioxide concentrations.
5. Based on this Detailed Assessment, the declaration of a further AQMA is proposed in the Leeman Road area. The declaration will be on the basis of NO<sub>2</sub>, where exceedences of the annual mean objective are predicted at relevant receptor locations (i.e. mainly residential properties).

## **Consultation**

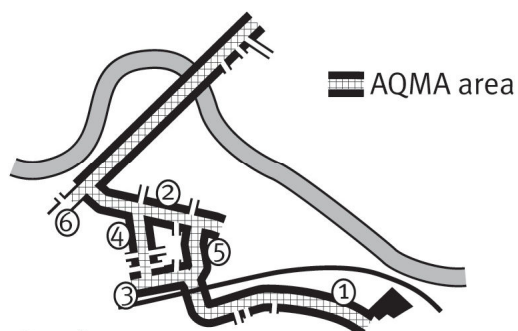
6. Although the council has a statutory duty to declare AQMA(s) where there is the potential for a breach of the objectives, it has discretion as to the extent of the boundary of the AQMA. DEFRA recommend that the council consults the local community and takes their views into account when determining the boundary.
7. A public consultation exercise on the exact boundary of the new AQMA, was undertaken during January and February 2012. In terms of consultation with the local community, an AQMA consultation leaflet was drawn up and circulated in early January 2012. The leaflet explained the need for the new AQMA in the Leeman Road area and presented three options for the new boundary.
8. Officers from the environmental protection unit (EPU) attended the Holgate Ward committee meeting on 30 January 2012, to show residents and councillors the latest monitoring results for the Leeman Road area and answer questions on the new AQMA. Timescales for the declaration and the Air Quality Action Planning Process were also discussed.
9. The three options given to local residents for the declaration are shown below:



**Option 1** – The area with the highest pollution: Salisbury Terrace and the properties either side of the road.



**Option 2** – A larger area, which includes option 1, but also other roads in the local area, where elevated levels of pollution, below the government’s targets, have been recorded.



**Option 3** – Option 2, plus areas of Leeman Road and Water End. This option joins up the new AQMA with the council’s existing AQMA.

- |                     |                     |
|---------------------|---------------------|
| ① Leeman Road       | ② Salisbury Terrace |
| ③ Garfield Terrace  | ④ Livingstone St    |
| ⑤ Kingsland Terrace | ⑥ Water End         |

10. 5,991 leaflets were delivered and 69 were returned by the closing date (1.2%). Of the responses received, 13% of local residents chose Option 1, 23% chose Option 2 and 64% chose Option 3.

11. Option 3 joins up the new AQMA with the council's existing AQMA and includes the whole of Salisbury Terrace, plus areas of Leeman Road and Water End (see Option 3 above). A map showing the exact area is shown at Appendix 1.

### Information about the new AQMA

12. Monitoring of nitrogen dioxide at the current monitoring locations will continue to ensure that any future changes in air quality are detected, notably locations representative of relevant exposure (i.e. facades of residential properties).

13. Additional monitoring work will be presented as part of a ‘Further Assessment’ report, required within 12 months of designating the

new AQMA. Additional monitoring data for 2012 will be used to support the conclusion to declare a further AQMA, to corroborate the assumptions on which the AQMA will be based, and to check that the original designation is still valid and does not need amending in any way.

14. Since the extent of the breach on Salisbury Terrace is limited to a small terraced street, it is likely that the AQAP for this area will be incorporated into the wider AQAP for the existing city centre and Fulford AQMAs, expected in late 2012 / early 2013.

## **Options**

15. The Cabinet Member is asked to consider the following options:
  - (a) To declare a new AQMA, based on the results of the public consultation exercise (option 3, shown in an Appendix 1).
  - (b) To declare an area other than other than option 3.

## **Analysis**

16. The declaration of an AQMA, and preparation of a Further Assessment and Air Quality Action Plan will ensure that the council carries out its legal duties under the Environment Act 1995.

## **Council Priorities**

17. General air quality work contributes to the council priorities in the following ways:
  - Create jobs and grow the economy – improving transport links to the rest of the UK via the installation of electric charging points and alternative fuels infrastructure, encouraging investment in low emission technology and creating jobs in green industries
  - Get York moving - improving local bus services and city centre circulation and campaigning to encourage less reliance on the car via the Low Emission Zone bus corridor feasibility study and the low emission strategy
  - Build strong communities – talking with and listening to people about air quality, public health and the environment

- Protect vulnerable people – ensuring the health of people, especially the most vulnerable, by reducing pollution
- Protect the environment – cutting our carbon emissions and improving air quality

## **Implications**

18. The various implications of this report are summarised below:

### **(a) Financial**

- There are no financial implications relating to the administration of an AQMA order other than those costs associated with publicising the boundary area and notifying the affected residents. It is planned to make use of space in the next ward newsletter to make local residents aware of the results of the consultation exercise. These are marginal costs which can be met from the existing Environmental Protection Unit's budget.

### **(b) Human Resources (HR)**

- The declaration of the AQMA will not necessitate any additional staff resources. Monitoring work has already been integrated into the Environmental Protection Unit's existing surveys. The next phase of reviews and assessments, and the specific work that will arise from the declaration will mean that the burden of work on the Principal Environmental Protection Officer (Air Quality) will increase.

### **(c) Equalities**

- There are no equalities implications.

### **(d) Legal**

- The council has a statutory duty to periodically review and assess local air quality against national air quality objectives and report its findings to DEFRA. As the council has monitored elevated levels of nitrogen dioxide in the vicinity of Salisbury Terrace, it is now obliged to declare an AQMA.

- There is also a requirement to submit regular AQAP progress reports to DEFRA demonstrating that it has a continued commitment to improving air quality in the city. Under the provisions of the Freedom of Information Act 2000 air quality data must be made freely available to members of the public upon request.

#### **(e) Crime and Disorder**

- There are no crime and disorder implications

#### **(f) Information Technology (IT)**

- There are no IT implications

#### **(g) Property**

- There are no property implications.

#### **(h) Other**

##### **Health**

- Nitrogen dioxide is a known respiratory irritant, which affects vulnerable groups such as children and people suffering from respiratory illnesses such as asthma, emphysema and lung disease. The declaration of the AQMA and subsequent development and implementation of an Air Quality Action Plan will aim to achieve a reduction in the levels of nitrogen dioxide, a benefit for both residents and visitors to the city of York.

##### **Transport**

- It is thought that traffic is a significant source of air pollution in the Leeman Road area. This will be confirmed through traffic surveys and 'source apportionment' work for the area. Due to the close links with the Local Transport Plan and the Low Emission Zone Study, the Environmental Protection Unit will be working closely with the Sustainable Transport Service in construction of the Air Quality Action Plan.

## **Planning and Development**

- Major planning and development schemes within the new AQMA will need to be assessed for any impact on air quality. Any indication that the proposal will have an adverse effect on air quality within the AQMA would mean that it would be a 'material consideration' in determining the application. In these cases suitable air quality mitigation measures will be required to minimise emissions from heating, power and transport on the sites. This could include requirements for car free developments, provision of low emission vehicle infrastructure e.g. electric charging points and incentives for bus and cycle use by new occupants. Where emissions can not be minimised on site, developers may be asked to make financial contributions towards the cost of wider mitigation measures e.g. new public transport schemes, cycle facilities etc. Where appropriate mitigation is not possible applications may have to be refused on air quality grounds. Minor schemes or those which are not considered to adversely impact on air quality, would be unaffected.

## **Further monitoring and reporting**

- Existing diffusion tube monitoring will continue in the vicinity of Salisbury Terrace. The results of the monitoring work will be presented as part of a 'Further Assessment' report to DEFRA, required within 12months of designating the new AQMA.
- City of York Council will have 12-18 months to develop an Air Quality Action Plan (AQAP) for the Leeman Road AQMA. DEFRA acknowledge a close link between the preparation of the Further Assessment and the AQAP, and expect that these would normally be taken forward in parallel following the declaration of the AQMA. As the extent of the breach on Salisbury Terrace is limited to a small terraced street, it is likely that the AQAP for this are will be incorporated into the wider AQAP for the existing city centre and Fulford AQMAs.

## **Risk Management**

19. In compliance with the council's risk management strategy. There are no major risks associated with the recommendations of this report.

## Recommendations

20. The Cabinet Member is asked to:

**Approve option (a)** - To declare a new AQMA, based on the results of the public consultation exercise (option 3, shown in an Appendix 1).

**Reason:** The declaration on an AQMA, and preparation of a Further Assessment and Air Quality Action Plan will ensure that the council carries out its legal duties under the Environment Act 1995. LAQM is a statutory undertaking that contributes towards the corporate priorities on protecting the environment and protecting vulnerable people.

## Contact Details

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<b>Specialist Implications Officer(s)</b> n/a			
<b>Wards Affected:</b> <i>List wards or tick box to indicate all</i>			<b>All</b> <input type="checkbox"/> <i>tick</i>
			<b>All wards</b> <input type="checkbox"/>
<b>For further information please contact the author of the report</b>			

**Background Papers: None**

**Appendix 1: Map of new AQMA (proposed AQMA Order No.3)**



# Appendix 1

## Map of new AQMA (proposed AQMA Order No.3)

