

Cabinet meeting – 12th September 2007

Report of the Director of the Urban Environment

Proposal for the declaration of a whole Borough Air Quality Management Area for Dudley MBC

Purpose

1. To propose that Cabinet consider and approve the declaration of a whole Borough Air Quality Management Area (AQMA) for Dudley MBC and to revoke the two current air quality management orders for Brierley Hill and Sedgley before incorporating those areas into the whole borough AQMA.

Background

2. The Environment Act 1995 (the Act) places a legal duty on Local Authorities to periodically review and assess air quality in their Boroughs and compare the results with objectives proposed by the Air Quality Strategy 2000 and Air Quality Regulations 2000. Should the review and assessment show that an air quality objective cannot be met the Local Authority has to declare an AQMA. It then must produce an Action Plan (S. 84(2) Environment Act 1995), with time frames, to determine the action required to meet the appropriate air quality objectives.
3. Dudley MBC is actively engaged in the review and assessment process and has demonstrated that currently, objectives for seven out of the eight pollutants are being met across the Borough. However concentrations of Nitrogen Dioxide have been confirmed to exceed the 2005 annual mean government objective value (40 µg/ m³) at several locations across Dudley MB. The principal source of this pollutant has been identified as vehicle exhausts.
4. Dudley MBC has already declared an Air Quality Management Area (AQMA) at Brierley Hill with an action plan approved in October 2004 based on the Brierley Hill Sustainable Access Network (SAN). An AQMA was also declared in Sedgley in May 2005 and work is ongoing on the required action plan.
5. Furthermore, ongoing monitoring has now identified a further seven areas within Dudley MB where exceedances of the objectives for NO₂ have been confirmed.

These new locations are:

- Windmill Hill, Cradley
- High Street , Wordsley
- High Street, Pensnett
- High Street, Quarry Bank
- Pedmore Road, Lye
- Halesowen Road, Netherton
- Stourbridge Road, Halesowen

Evidence of these latest exceedances has been submitted to DEFRA as part of Dudley MBC's 2006 Updating & Screening Assessment (USA). DEFRA has confirmed the requirement for further declarations of AQMA's at the locations above. Additionally, further Detailed Assessment of air quality is ongoing at seven other locations within Dudley MB and further AQMA declarations may be required when this programme is completed at the end of 2007. Potentially this will mean 16 separate Air Quality Management Areas within Dudley Borough.

6. The seven West Midlands authorities work closely together on air quality issues under a joint Air Quality agreement. Birmingham, Sandwell, Walsall and Wolverhampton have all declared borough wide AQMA's with Coventry actively considering a city wide AQMA.
7. It is proposed that Dudley MBC should now consider the best way to progress with Air Quality declarations. The options available are:
 - (a) Declare an AQMA at each of the anticipated additional 14 areas of exceedance, or
 - (b) Amalgamate the two existing AMQAs into one Borough wide AQMA.
8. The disadvantages of a Borough wide AQMA are few and relate to any possible negative publicity and to the lack of an ability to undeclare individual AQMA's. Regarding any possible negative publicity there has been no such reaction to the AQMA's declared in Dudley and no negative publicity experienced by the other Black Country Councils to the declaration of whole borough AQMA's.
9. The advantages of a Borough wide AQMA are many and are detailed below.
 - It would be far simpler to make a single declaration and there would then be no further requirements for additional declarations or amendments.
 - All predicted air quality objective exceedances are due to road traffic sources and therefore the Action Plan will need to

address traffic emissions on a Borough wide basis.

- The importance of air quality is highlighted across the Borough, as is the need for it to be considered as a whole. Residents living in areas of good AQ would be reassured that the Borough wide AQMA would help to prevent worsening of AQ in their locality.
 - Declaration of the whole Borough will help promote behavioural changes to transport on a wider strategic basis in accordance with the Local Transport Plan (LTP)
 - It is difficult to precisely determine exact boundaries for AQMA's, the Borough boundary would conveniently form the whole of the AQMA if a Borough wide AQMA was declared.
 - With only one declaration and one consultation exercise required, officers can focus resources on improving air quality rather than expending resources on managing the administration process associated with the declaration and ongoing operation of many individual AQMA's.
 - A single AQMA declaration would simplify the development control consultation process.
 - A Borough wide AQMA would allow Dudley MBC to request travel plans, boosting travel plan membership, thereby improving the effectiveness of "smart options" presented as part of an Air Quality action plan.
10. At their meeting on the 13th November 2006 the Select Committee on the Environment considered a similar report and resolved to support the declaration of a whole Borough Air Quality Management Area and also referral to Cabinet for approval.
11. Subsequent to the Select Committee Meeting all Five Area Committees have received presentations on the Whole Borough AQMA proposals and all have agreed to support the initiative.
12. Consultation on the proposals for a Borough Wide AQMA has taken place with 158 individual stakeholders, all elected members at DMBC have received individual consultation letters and 21 key stakeholders internal to Dudley Council have also been consulted. In addition the proposals have been placed on the Councils Air Quality Web pages and the other West Midlands Authorities have been contacted and this matter discussed with them. We considered public displays, but decided to keep this mode of consultation for the future Action Planning exercise necessary if the whole borough declaration received approval by cabinet.

13. The outcome of the extensive consultation exercise is a number of helpful responses, all of which have been positive and support the declaration of a whole Borough AQMA to tackle the current Air Quality issues within Dudley Metropolitan Borough.

Finance

14. Air Quality Monitoring work is funded from within existing budgets. The financial implications of resultant activities identified within Air Quality Action Plans will need to be identified as will funding sources to deliver the plans.

Law

15. Dudley Metropolitan Borough Council has a statutory duty under the provisions of Part IV of the Environment Act 1995 to review and assess air quality in its area.

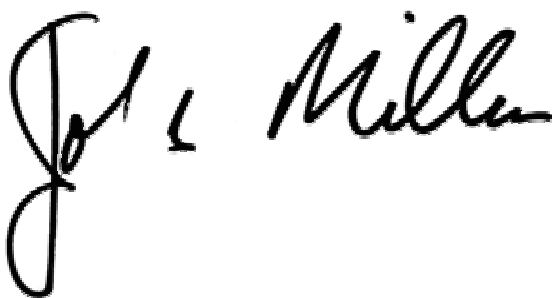
Equality Impact

16. There are no equality issues or matters specifically affecting young people to consider in this report.

Recommendation

17. It is recommended that the Cabinet;

support officers recommendations to revoke the two existing air quality orders for Brierley Hill and Sedgley and to declare a Borough wide Air Quality Management Area, incorporating the two former air quality management areas at Brierley Hill and Sedgley.

A handwritten signature in black ink, appearing to read 'J. Millar'. The signature is stylized with a large, looped 'J' and a cursive 'Millar'.

J MILLAR
Director of the Urban Environment

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List of Background Papers

1. The Environment Act 1995.
2. UK Air Quality Strategy 2000.
3. The Air Quality Regulations 2000.
4. The Dudley MBC Upgrading and Screening Assessment Report (USA)
April 2006.
5. The Dudley MBC Detailed assessment report for DEFRA July 2007.