

AGENDA ITEM NO.

REPORT TO NORTH DUDLEY AREA COMMITTEE 2nd NOVEMBER 2004

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

Declaration of an Air Quality Management Area - Sedgley.

1.0 PURPOSE

To obtain Committees support for the declaration of an Air Quality Management Area (AQMA) in the centre of Sedgley.

2.0 BACKGROUND

- 2.1** The Environment Act 1995 places a legal duty on Local Authorities to review and assess air quality in their areas against objectives laid down in the Air Quality Strategy 2000 and Air Quality Regulations 2000. Should the review and assessment show that an air quality objective cannot be met by, at the latest, December 2005 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.
- 2.2** Following extensive air quality monitoring throughout the Borough an AQMA was declared for Brierley Hill on the 10th March 2003, this was the only area at that time that was considered likely not to meet the National Air Quality annual mean objective for Nitrogen Dioxide. A draft Action Plan to address poor air quality in Brierley Hill was approved by the Executive of the Council on the 11th February 2004, which has subsequently been approved by DEFRA, subject to a number of minor amendments.
- 2.3** Air quality monitoring has continued throughout the Borough. The Council completed an Updating and Screening Assessment (USA) of air quality in April 2003. This confirmed that there were further areas of the Borough which merited further investigation to determine if they would comply with National Air Quality Objectives by the deadline of December 2005. A detailed assessment of the investigation into air quality in these areas was submitted to DEFRA in April 2004. The areas of concern with regard to annual mean concentrations of Nitrogen Dioxide identified in the USA which were subject to this assessment included Sedgley Bull Ring.

- 2.5** In a letter dated 21st June 2004 DEFRA confirmed that the Council's Detailed Assessment was well structured and was a thorough analysis of the areas of concern. It also confirmed that an AQMA should be declared for the Sedgley Bull Ring. (see appendix 1). With regard to three other sites DEFRA also agreed that the Council should carry out further monitoring before declaring AQMA's in these areas. A comprehensive air quality monitoring programme will continue until the end of 2004 when these areas will be re-assessed and a further report submitted to DEFRA.

3.0 PROPOSALS

- 3.1** It is proposed that Committee support

a) the declaration of an AQMA for the centre of Sedgley , as shown on the map in appendix 1 to this report.

b) the following timetable for the making of the relevant order;

- 2nd Nov - Report to North Dudley Area Committee as part of consultation process
- Nov / Dec – Carry out consultation with interested parties in Sedgley
- 19th Jan - Report to Select Committee on the Environment
- 9th Feb - Report to Executive for final approval to make the Order for the AQMA.

4.0 FINANCE

- 4.1** The review and assessment of air quality in the Borough including the making of AQMA's, can be met from existing Environmental Protection Service budgets.

- 4.2** There are currently no funds available within existing budgets to implement future requirements which may be contained within Action Plans required to meet air quality objectives over and above those already allocated for transport schemes within the Borough.

5.0 LAW

- 5.1** The Environment Act 1995 requires that; air quality monitoring is carried out, that Air Quality Management Areas (AQMA`s) are declared within 4 months where government objectives are likely not to be achieved by the stated deadline and that an Air Quality Action Plan is proposed within a period of up to 18 months of the declaration of an AQMA to satisfactorily address the air quality problems within the AQMA.

6.0 EQUAL OPPORTUNITIES

6.1 This report takes account of the Council's Equal Opportunities Policies.

7.0 RECOMMENDATION

7.1 That Corporate Board agree to act in accordance with the proposals set out in paragraph 3.0.

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Director of the Urban Environment - John B. Millar

Contact Officer: N. Powell – Ext 4847

Background Papers:-

- 1 DEFRA letter of the 21st June 2004.
- 2 Upgrading and Screening Assessment on Air Quality in Dudley 2003
- 3 Detailed Assessment of Air Quality in Dudley 2004
- 4 Report of the Director of the Urban Environment to Corporate Board, 21st September 2004, "Declaration of an Air Quality Management Area, Sedgley"