

BRIERLEY HILL AREA COMMITTEE – 29th March 2007

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

TO SEEK SUPPORT FOR A BOROUGH WIDE AIR QUALITY MANAGEMENT AREA FOR DUDLEY

Purpose of Report

- 1 To seek the support of the Brierley Hill Area Committee for the declaration of a whole Borough Air Quality Management Area, (AQMA). The proposal for a whole borough AQMA has been supported by Select Committee on the Environment and Corporate Board who approved consultation through the Area Committees before submitting a report to Cabinet in July 2007.

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 National U.K. objective 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 six areas within Dudley MB where nitrogen dioxide concentrations are above the National U.K. objective.
These new locations are:

- Windmill Hill, Cradley
 - High Street , Wordsley
 - High Street, Pensnett
 - High Street, Quarry Bank
 - Pedmore Road, Lye
 - Halesowen Road, Netherton
6. Evidence of the above findings has been submitted to DEFRA as part of Dudley MBC's 2006 Updating & Screening Assessment (USA). DEFRA has now confirmed the requirement for further declarations of AQMA's at the locations above. Additionally, further Detailed Assessment of air quality is ongoing at eight 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 Air Quality Management Areas within Dudley Borough rather than 1 large one.
7. 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.
8. 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 where concentrations are above the National UK objective, or
 - (b) Amalgamate the two existing AMQAs into one Borough wide AQMA.
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 breaches of the air quality objective 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 air quality would be reassured that the Borough wide AQMA would prevent worsening of air quality 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 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 declaration of many 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 "soft options" presented as part of the Air Quality action plan.
10. 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.
 11. 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.
 12. At their meeting on the 16th January 2007 the Corporate Board considered a similar report and resolved to support the declaration of a whole Borough Air Quality Management Area and approved a programme of consultation with interested parties. This will include business, the public, Members and statutory consultees such as the Environment Agency. Consultation will be by letter, the Councils website, public displays throughout the Borough and reports to the Area Committees. Consultation will take place from February to May 2007 with a report to go to Cabinet in July 2007.

Finance

13. 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

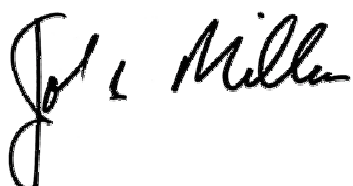
14. Dudley Metropolitan Borough Council has a statutory duty under the provisions of Part IV of the Environment Act 1995 to review and assess air quality in its area.

Equality Impact

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

Recommendation

- 16 It is recommended that the Brierley Hill Area Committee consider the report and endorse the advantages of the declaration of a whole Borough AQMA and following a period of consultation as detailed in appendix 1 support such a declaration to Cabinet in July 2007.



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J. B. MILLAR – DIRECTOR OF THE URBAN ENVIRONMENT

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List of Background Papers

The Environment Act 1995, Part iv

Air Quality Limit Values Regulations (as amended) 2001

Local Air Quality Management Guidance

Local Air Quality Management Policy Guidance

The United Kingdom National Air Quality Strategy

Dudley MBC Upgrading & Screening Assessment report. April 2006.

Appendix 1

Dudley MBC Air Quality Management Area Borough Declaration

Provisional Consultation Programme

It is proposed that consultation on a borough wide air quality management area declaration be undertaken between February and May 2007 using the following forms of communication:

1. Consultation with the general public and other interested parties will be via the Dudley MBC website and written consultation in accordance with the list in table 2 as attached. This process will be initiated in February 2007.
2. Consultation with the five Area Committees, provisional timetable as per Table 1

Table 1 Dates For Meetings with Area Committees

Date	Area Committee
12 th March 2007	Stourbridge
13 th March 2007	Central Dudley
14 th March 2007	Halesowen
29 th March 2007	Brierley Hill
28 th March 2007	North Dudley

3. Consultation with other relevant consultees via letter as per Table 2

Table 2 Provisional List of Consultees To Be Contacted By Letter

Group	Consultee
Statutory Consultees	Birmingham & The Black Country Strategic Health Authority
	Birmingham City Council
	Bromsgrove District Council
	Countryside Agency
	English Heritage
	English Nature
	Environment Agency
	Environment Agency Upper Severn
	Government Office for the West Midlands
	Hagley Parish Council
	Highways Agency
	Himley Parish Council
	Huntington Parish Council
Kinver Parish Council	

Table 2 Provisional List of Consultees To Be Contacted By Letter

Group	Consultee
	Sandwell MBC
	Severn Trent Water
	South Staffordshire Council
	South Staffordshire Water
	Staffordshire County Council
Statutory Consultees	Strategic Rail Authority
	Swindon Parish Council
	Walsall MBC
	Warwickshire CC
	West Midlands Regional Assembly
	Wolverhampton City Council
	Wombourne Parish Council
	Worcestershire CC
Key Stakeholders	Beacon and Castle PCT
	Birmingham & Black Country Strategic Health Authority
	British Waterways
	Central Buses Ltd
	Central Trains Ltd
	CENTRO
	Chiltern Railways
	Dudley Group of Hospitals NHS Trust
	Dudley Priory Health NHS Trust
	Dudley South PCT
	Dudley, Beacon & Castle PCT
	Halesowen Primary Care Group
	Network Rail
	NHS Executive - West Midlands Region
	Railtrack
	Russells Hall Hospital
	Travel Express
	Travel West Midlands
	West Midlands Passenger Transport Authority
	West Midlands Police
West Midlands Public Health Group	
WM Regional Rail Forum	
Other Key Contacts	Advantage West Midlands
	Black Country Chamber
	Black Country Investment
	Dudley Community Partnership
	Learning and Skills Council
Umbrella Organisations	Action for Disabled People and Carers
	Black Country Chamber of Commerce (Sandwell and Dudley Division)
	Darkhouse Baptist Church
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Table 2 Provisional List of Consultees To Be Contacted By Letter

Group	Consultee
	Dudley Council for Voluntary Services
	Dudley Federation of Tenants Association
	Dudley Racial Equality Council
	Federation of Small Businesses
	Neighbourhood Partnerships
	West Midlands Regional Womens Network