

**TITLE OF REPORT: DESIGNATION OF AN AIR QUALITY MANAGEMENT AREA**

REPORT OF THE HEAD OF HOUSING AND PUBLIC PROTECTION  
EXECUTIVE MEMBER: COUNCILLOR BERNARD LOVEWELL

**1. SUMMARY**

- 1.1 The purpose of this report is to seek approval to designate an Air Quality Management Area (AQMA) at a location in Hitchin where air quality objectives are being exceeded and to review the arrangements for the Council's associated air quality action plans (AQAP).

**2. RECOMMENDATIONS**

- 2.1 That Cabinet agrees to designate the area of Payne's Park, Hitchin, described in Appendix 1, as an AQMA.
- 2.2 That the Executive Member for Housing and Environmental Health be delegated the responsibility to approve a draft action plan and the associated consultation arrangements, and subsequently to approve the final action plan for the Payne's Park AQMA.
- 2.3 That the Executive Member for Housing and Environmental Health be delegated responsibility to agree any changes to the Stevenage Road AQAP once the plan has been reviewed.

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 The Council has a duty to review and assess air quality in the district, and to act on the outcomes.
- 3.2 The importance of good air quality for the health of the population cannot be understated and the designation of the air quality management area will reinforce the need to ensure appropriate measures are implemented with the aim of meeting air quality standards and objectives.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 There are no alternatives to the recommendations as they are a result of statutory duties placed on the Council.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1 The Executive Member for Housing and Environmental Health has been briefed about the context of this matter and the specific reasons for the proposed designation.

5.2 The occupiers of the one residential address within the proposed AQMA have been written to about the proposed designation but have not requested any additional information to date.

## **6. FORWARD PLAN**

6.1 This report does not contain a recommendation on a key decision and therefore is not referred to in the Forward Plan.

## **7. BACKGROUND**

7.1 Good air quality is critical to public health; without clean air, people are more likely to become ill and, in extreme cases, continued exposure to air pollution can cause premature deaths. The public health impact is the key concern in Hitchin, but good air quality is also important to animals and plants, and particularly for livestock and food produce that will ultimately enter the food chain.

7.2 The Government has a National Air Quality Strategy and has set standards for the different pollutants of concern. Local authorities are required to monitor air pollution levels in their area and submit annual progress reports to the Department for Environment, Food and Rural Affairs (Defra). If the measured levels are found to exceed the published air quality standards, local councils have a duty to identify the areas affected by declaring an air quality management area and to consider how improvements to air quality might be achieved.

7.3 There are seven pollutants that local councils have a duty to assess, although in many areas only two are found to be a significant cause for concern. These are nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). The main sources of NO<sub>2</sub> are road transport followed by the energy generation and industrial sectors. The main local sources of particulate matter are transport and the burning of fuel in homes and businesses. Both pollutants can cause a range of health effects but are particularly linked to the incidence of respiratory illness.

7.4 The air quality objective for NO<sub>2</sub>, the pollutant relevant to this report, is that the annual mean should not exceed 40µg/m<sup>3</sup> and the 1 hour mean should not exceed 200µg/m<sup>3</sup> more than 18 times a year.

7.5 The Council designated a section of Stevenage Road, Hitchin, as an AQMA in 2012 because the NO<sub>2</sub> objective was being exceeded. An AQAP was subsequently adopted setting out measures that could be implemented to try to reduce the concentrations of NO<sub>2</sub>.

7.6 The Council publishes information about the monitoring that it undertakes and the reports that it has to send to the Government on the Council's website [www.north-herts.gov.uk](http://www.north-herts.gov.uk). The results of the monitoring are published on a site that is shared with other councils in Hertfordshire and Bedfordshire [www.hertsbedsair.net](http://www.hertsbedsair.net).

## **8. DESIGNATION OF AN AIR QUALITY MANAGEMENT AREA AT PAYNE'S PARK ROUNDABOUT**

8.1 As would be expected in what is a largely rural district, in most areas of North Hertfordshire air quality is good. However, there are some locations where pollution levels can be quite high. These are generally associated with roads where there is a lot of traffic.

- 8.2 As mentioned in paragraph 7.5, an area located east of the Three Moorhens PH roundabout along Stevenage Road (A602) was designated as an AQMA in 2012.
- 8.3 One of the other locations where elevated levels of NO<sub>2</sub> have been monitored is also on the A602 at the Payne's Park roundabout, to the north west of the existing AQMA. The diffusion tube monitoring location is immediately to the south of the roundabout on Park Way and was positioned to supplement an existing group of monitoring points in that area.
- 8.4 Since 2011, the diffusion tube has measured annual mean average concentrations above the 40µg/m<sup>3</sup> objective ranging between 45.5µg/m<sup>3</sup> and 54.8µg/m<sup>3</sup> (see Appendix 2.). Modelling has also been undertaken that predicted that the annual mean NO<sub>2</sub> objective would be exceeded at the nearest residential receptor (41 Upper Tilehouse Street) to this monitoring point.
- 8.5 It must be emphasised that there is no immediate public health concern for residents of 41 Upper Tilehouse Street. Exposure to moderate levels of air pollution is unlikely to have any serious short term effects. But a breach of the standard does mean that the Council is statutorily obliged to accept that there is an issue that needs addressing in order to protect environmental quality.
- 8.6 The Council is required to designate an AQMA in the affected location in the vicinity of the Payne's Park roundabout (see Appendix 1) and then to develop an air quality action plan with a view to implementing measures to achieve the required air quality objectives.
- 8.7 The action plan will be developed within the year following declaration of the AQMA, following discussion and consultation with Members, the Highway Authority, Hertfordshire County Council, and the community. The specific causes of pollution at this location are reasonably well understood with traffic data available to indicate the different categories and numbers of vehicles using this section of road. This understanding will help to inform the types of measures that will be included in the plan. However, there will be a need to build consensus around the measures that are included, as well as understanding any cost implications. It is anticipated that the types of measures that will be included will be similar and will complement those that were identified in the action plan that was implemented for the AQMA at Stevenage Road, Hitchin (see Cabinet report dated 24 September 2013, referenced in background papers).
- 8.8 As part of the work to develop the action plan, it is intended to review the existing action plan relating to the Stevenage Road AQMA to consider whether any changes or updates are required.

## **9. LEGAL IMPLICATIONS**

- 9.1 Part IV of the Environment Act 1995 places a duty on the Council to review air quality in its area from time to time to assess whether air quality standards and objectives are being achieved. Where standards and objectives are not being achieved, a local authority must designate an AQMA. Where such a designation is made, the Authority must prepare an action plan with the aim of achieving the required standards and objectives.
- 9.2 The relevant sections of the Environment Act 1995 also make provision for the County Council to comment on the proposed action plan. If it disagrees with the proposed plan, it may be referred to the Secretary of State for resolution.

- 9.3 Under the Council's Constitution, Cabinet is the body designated with responsibility for the declaration of AQMAs.
- 9.4 Designation of an AQMA is a matter that the Authority is obliged to declare in respect of land search enquiries.

## **10. FINANCIAL IMPLICATIONS**

- 10.1 There are no direct financial implications associated with designation of an AQMA. There may be costs associated with the implementation of measures proposed in the action plan; these financial implications would be taken into account when developing the action plan.

## **11. RISK IMPLICATIONS**

- 11.1 Not designating an AQMA when required to do so could result in the Council being subject to legal action and damage to the Council's reputation.
- 11.2 The Government has been subject to legal action over its failure to ensure that air quality objectives are adhered to. It has indicated that, if it were subject to financial sanctions at any stage, it could look to pass a share of these costs onto authorities that had not met their legal responsibilities.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 The Equality Act 2010 came into force on the 1st October 2010. The Act created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a general duty, described in 8.2, that public bodies must meet, underpinned by more specific duties which are designed to help meet them.
- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 There is clear evidence that long term, continuous exposure to air pollution can have a serious effect on people's health, ranging from, at its most severe, premature mortality through to a reduction in quality of life. Air pollution can exacerbate the circumstances of those who already have respiratory illness. The young and elderly can be particularly vulnerable to poor air quality, which can be further compounded by atmospheric conditions generally more prevalent in the winter months, such as fog and low cloud.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1 There are no direct human resource implications arising from this report.

## 15. APPENDICES

- 15.1 Appendix 1 - Map of proposed AQMA and address of the one dwelling within the AQMA.
- 15.2 Appendix 2 - Annual mean concentration levels of nitrogen dioxide ( $\mu\text{g}/\text{m}^3$ ) at locations in the vicinity of the Paynes Park roundabout, Hitchin

## 16. CONTACT OFFICERS

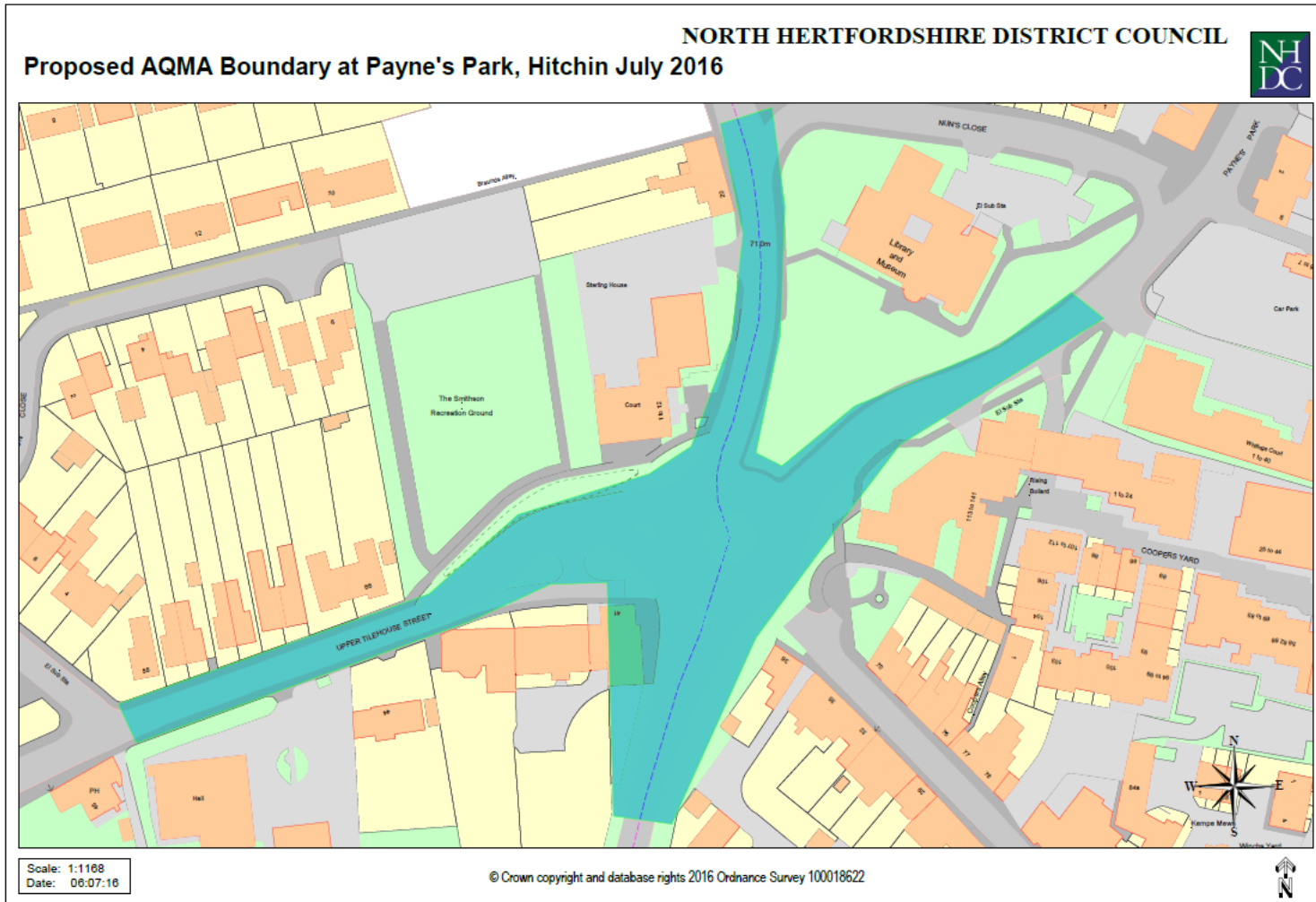
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## 17. BACKGROUND PAPERS

- 17.1 [Cabinet report regarding the designation of an air quality management area in Stevenage Road, Hitchin \(19/6/12\)](#)
- 17.2 [Cabinet report regarding the adoption of an air quality action plan \(24/9/13\)](#)

## APPENDIX 1. DESCRIPTION AND MAP OF PROPOSED AIR QUALITY MANAGEMENT AREA

Description: An area including the property at 41 Upper Tilehouse Street, Hitchin located on the west side of Park Way, fronting on to that road and also Upper Tilehouse Street.



### Address of dwelling within the proposed Air Quality Management Area

41 Upper Tilehouse Street, Hitchin SG5 2EE

CABINET (22.11.16)

**APPENDIX 2.**

**Annual mean concentration levels of nitrogen dioxide ( $\mu\text{g}/\text{m}^3$ ) at locations in the vicinity of the Paynes Park roundabout, Hitchin**

