

# Agenda Item

**Executive Board**

**1 September 2010**

**AE/MH**



## Air Quality Management in East Devon

### Summary

Air quality monitoring has revealed that levels of Nitrogen Dioxide around the Turk's Head junction in Honiton are likely to exceed national guidelines. As a result the Council is required to declare an Air Quality Management Area (AQMA) and then carry out a further detailed assessment of existing and likely future air quality in the area. At the same time it must consult with local residents and businesses and work with relevant agencies to prepare an action plan of measures to meet air quality objectives and then work with other agencies

### Recommendation

1. To declare an Air Quality Management Area in the area of Honiton specified in appendix 1 of the report and carry out further detailed monitoring as required.
2. To carry out a consultation process with local residents and businesses
3. To support the joint working initiative between Environmental Health, Planning, Devon County Council (Highways), the Highways Agency and other relevant organisations to ensure a coordinated approach to the project and the eventual future effective integration of the Action Plan within the Transport Plan (if required).

#### a) Reasons for Recommendation

To comply with the requirements of Part IV of the Environment Act 1995, the Air Quality (Amendment) Regulations 2002 and The Air Quality Strategy for England, Scotland, Wales and Northern Ireland 2007.

#### b) Alternative Options

None

#### c) Risk Considerations

It is a legal requirement that the Council must declare an AQMA and there is a risk of a judicial review if it fails to do so

#### d) Policy and Budgetary Considerations

## **Positive Impact Overall**

Safe Environment.

Green Environment.

The costs of a consultation exercise process can be met from within existing budgets. The costs of acquiring suitable and sufficient air quality data can be high. Government guidance suggests that in ideal circumstances “... **Local Authorities are advised not to rely upon diffusion tube data alone as the basis of a Detailed Assessment or declaration of an AQMA for NO2. In particular, it is inadvisable to base a declaration on the results of a diffusion tube survey of short duration.**” However, they now recognise that “...automatic monitoring is not always possible...” and acknowledge that “...where diffusion tubes are the only practicable monitoring method...” the data may be accurate enough to allow DEFRA to accept it...”, and fortunately that has been the situation here. There are therefore no direct costs associated with this proposal.

### **e) Date for Review of Decision**

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#### **1 Background**

- 1.1 The Environment Act 1995 (the Act) provides the framework for local air quality management. It also places statutory duties to review and assess air quality and designate Air Quality Management Areas where appropriate. Monitoring in the Honiton area has revealed that around the Turk’s Head junction the levels of Nitrogen Dioxide are likely to exceed national guidelines. The Council is now under a duty to make an order formally to designate the affected area as an air quality management area (AQMA).

#### **2. Action required following formal declaration of the AQMA**

- 2.1 Once the Council has designated an AQMA it will then be obliged to produce an action plan. The action plan must set out what measures it will introduce (along with partner organisations) to improve air quality. It must also include a commitment to implement these measures and a timetable for so doing. The Council is not legally bound to meet these commitments but government expects us to show that we are working towards them. This process must involve all of the relevant stakeholders.
- 2.2 The Act specifically requires another detailed assessment of existing and likely future air quality within the newly designated AQMA and this has to be completed within 12 months of the designation date.

#### **3. The Area**

- 3.1 The Council has a choice in determining the exact geographical area to be designated an AQMA. It must contain all locations where air quality is known to exceed the standard and it can be as large as the entire district. The key is to identify an area that will enable an action plan that manages adequately the air quality improvements that are being sought. For this reason, an area encompassing the whole of Honiton High Street (A35) extending to the east and west to include the junctions with the A30 is being recommended (see **App 1**)

## **4 Benefits**

- 4.1.1 The AQMA process is primarily a tool for us to use to improve the local air quality. AQMAs have to be identified in any local authority plan where policies and actions may impact on efforts to reduce the air quality concentrations locally. Importantly, any proposed development in AQMAs must recognise the air quality problem and be sensitive to the need to improve it – or at least to not compromise it further. The Local Transport Plan should serve as one of the main mechanisms for improving local air quality through transport and traffic related measures.
- 4.2 In this case, the declaration of the AQMA has arisen because of road traffic pollution and as the local authority we have the opportunity to integrate our action plan into the Local Transport Plan. This approach will support closer alignment of the Council's transport and air quality policies and the involvement of all relevant expertise in tackling the issue. This joint working has already begun with regular attendance at the Honiton Town Council - Transport and Planning Group and with representations to our Development Management Committee concerning recent planning applications affecting the area to be designated. Discussions have also been initiated with Devon County Highways and the Highways Agency but there are no firm proposals to report at this stage.

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### **Legal Implications**

There are no legal implications requiring comment.

### **Financial Implications**

The financial implications are contained in the report.

### **Consultation on Reports to the Executive**

### **Background Papers**

- Air quality assessment reports
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Andrew Ennis  
Environmental Health Manager

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