

General Licensing Committee Report



Listening Learning Leading

Report of Head of Environmental Services

Author: Sam Bryan

Tel: 01491 823223

E-mail: sam.bryan@southoxon.gov.uk

Cabinet Member responsible: David Dodds

Tel: 01844 216794

E-mail: david.dodds@southoxon.gov.uk

To: General Licensing Committee

DATE: 5 February 2009

AGENDA ITEM NO.

Declaration of an Air Quality Management Area in Watlington

Recommendation

1. That the Committee declares an Air Quality Management Area (AQMA) in the Couching Street area of Watlington as indicated in the order attached as **Appendix A**.

Purpose of Report

1. This report explains the council's local air quality obligations under Part IV of the Environment Act 1995 and recommends that the committee designates an area along Couching Street, Watlington as an Air Quality Management Area (AQMA).

Strategic Objectives

2. The declaration of an AQMA is relevant to Strategic Objective 2, to protect our environment. Declaration of an AQMA is the initial process in producing an air quality action plan to allow the council to take steps to reduce pollution within the area.

Background

3. Part IV of the Environment Act 1995 requires that local authorities periodically review air quality within their districts, and compare pollution levels with a set of national standards or air quality objectives (AQO's) for a number of different pollutants.
4. Should initial investigations identify a possible breach of an AQO, then air quality monitoring must be carried out and a detailed assessment must be undertaken.
5. Screening assessments and monitoring have shown that the AQO's will generally be met across the district, with the exception of isolated hot spots where the $40\mu\text{g}/\text{m}^3$ annual mean objective for nitrogen dioxide may be exceeded.
6. Initial monitoring using diffusion tubes highlighted Shirburn Street and Couching Street in Watlington as a potential hotspot. Continuous monitoring equipment installed in the Chilterns business centre have confirmed the AQO exceedence with a 2008 annual mean of $47\mu\text{g}/\text{m}^3$. A plan showing the location of the analyser is attached as **Appendix B**.
7. Modelling, undertaken by the council's consultants for the detailed assessment report has identified the likely area of exceedence extending along Shirburn Street, Couching Street and parts of Brook Street. This area is highlighted in **Appendix A**.
8. The Environment Act 1995 states that where the air quality review process indicates that there is a likelihood that an AQO will be exceeded then the council is required to designate the area as an AQMA.
9. Once an AQMA is declared there is also a requirement to undertake a further assessment of air quality within that area, and to produce an action plan within 12 - 18 months, detailing the measures to be taken in pursuit of the appropriate AQOs.
10. Defra has assessed the council's Air Quality Detailed Assessment August 2008 and accepted the report contents, including the proposal that the council declare an AQMA in Watlington.

Financial Implications

11. The ongoing cost of monitoring in Watlington and the preparation of a further assessment report and action plan are estimated to be approximately £6,000.. A growth bid has been submitted to meet this cost in 2009/10. There will be costs arising from the implementation of the action plan and a growth bid will be submitted in for 2010/11

Legal Implications

12. The Environment Act 1995 Part IV section 83(1) states that that where it appears that air quality objectives are not being achieved the local authority shall by order designate an AQMA.

13. Local Air Quality Management Policy Guidance LAQM.PG(03) states that local authorities should aim to designate an AQMA within four months of having formally identified the need for an AQMA, having obtained approval from Defra.
14. Section 84(1) of the Environment Act 1995 requires that local authorities carry out a further assessment of existing and likely future air quality in an AQMA. This further assessment is intended to supplement information that the authority has already obtained.
15. Where a local authority has designated an AQMA it has a duty under section 84(2) of the Act to produce and implement an action plan. The Policy Guidance states that the action plan should be prepared within 12 months following the designation of the AQMA.
16. Under section 85(3) of the Act the Secretary of State has the power to direct any local authority to take appropriate steps if they fail to discharge any duty imposed by the Act.
17. The general public and local businesses have the right to question the efficacy, legality, or appropriateness of an AQMA order. The formal method for doing so is by way of judicial review.

Human Resources Implications

18. Any additional workload will be incorporated into the air quality officers work plan, therefore there will be no human resources implications arising from the declaration of an air quality management area

Sustainability Implications

19. There are no sustainability implications with regards declaring an air quality management area

Conclusion

20. The annual mean concentration of nitrogen dioxide along Couching Street, Watlington exceeds the Government's Air Quality Objective. The council is therefore under a statutory obligation to designate the area along Couching Street, Watlington as an AQMA.
21. It is recommended that the Committee designates the area along Couching Street, Watlington as an AQMA.

Background Papers

- Local Air Quality Management : Air Quality Detailed Assessment August 2008
- Environment Act 1995
- Local Air Quality Management Policy Guidance LAQM.PG(03)

Appendix A - Air Quality Management Area Order 2009

Environment Act 1995 Part IV, Section 83

Benson Lane, Crowmarsh Gifford
Wallingford OX10 8NL
Tel: 01491 823203 Fax: 01491 823201

South Oxfordshire District Council

Air Quality Management Area Order 2009

South Oxfordshire District Council (“the Council”), in exercise of powers conferred upon it by the Environment Act 1995 Part IV Section 83 hereby makes the following Order.

1. This Order shall be cited as the South Oxfordshire District Council Air Quality Management Area Order 2009 and shall come into force on the **** February 2009.
2. The area shown hatched on the attached map (ref AQMA/ORDER 02/09) shall be designated as an Air Quality Management Area. This comprises Brook Street from the Gorwell junction to the Watcombe Road junction, the length of Couching Street and Shirburn Street, within the town of Watlington, Oxfordshire.
3. This Area is designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations (England) 2000.
4. This Order shall remain in force until it is varied or revoked by a subsequent Order.

THE COMMON SEAL of SOUTH
OXFORDSHIRE DISTRICT COUNCIL
was hereunto affixed on the **th day of
February 2006 under the authentication of:

Head of Legal and
Democratic Services
The Officer appointed for the purpose

NB: A copy of this Order and its associated plan have been deposited and may be seen, free of charge, at the above mentioned offices during normal working hours.

