

Agenda Item No: **Report No:**

Report Title: **Local Air Quality Management: Air Quality Management Area in Newhaven, Part IV Environment Act 1995**

Report To: **Cabinet** **Date:** **7 July 2014**

Lead Councillor: **Cllr Paul Franklin**

Wards Affected: **All Newhaven Wards**

Report By: **Gillian Marston - Director of Service Delivery**

Contact Officer: **John Nicklin – Senior Pollution Officer**

Purpose of Report:

To declare an Air Quality Management Area A259 Newhaven ring road.

Officers Recommendations:

The cabinet is recommended to make the Lewes District Council Air Quality Management Area (Option 3) A259 Newhaven ring road (No. 1) Order 2005 as detailed in Appendix 3 and 4.

Reasons for Recommendations

- In order to fulfil our Local Air Quality Management duties under Part IV of the Environment Act 1995.
 - To enable an air quality action plan to be drafted and implemented.
 - To work towards improving air quality in Newhaven particularly in those areas in close proximity to the A259 ring road.
-

1 Information

- 1.1 Part IV of the Environment Act 1995 (section 82), places a statutory duty on all local authorities to periodically review and assess the quality of air within their boundaries, both currently and for the future and to report against objectives for specified pollutants of concern to the Department of Environment Food and Rural Affairs (DEFRA). .
- 1.2 The Local Air Quality Framework is the policy and technical framework that guides councils in tackling air quality issues. Lewes District Council, like all local authorities in England, continuously monitors air pollution against national standards. We do this in a number of locations

throughout the District and the results of this monitoring are submitted to DEFRA on a regular basis.

- 1.3 Where results indicate that air quality standards are at risk of being reached or exceeded, DEFRA requires local authorities to undertake a more detailed assessment of the levels of pollution in that area.
- 1.4 The Council's air quality monitoring programme has already led to the submission of a number of Detailed Assessments. The Detailed Assessment of Lewes Town Centre led to the declaration of an Air Quality Management Area (AQMA) in Lewes Town in 2005. More recently a Detailed Assessment in Newhaven identified the need to declare an AQMA in areas adjacent to the A259 gyratory.
- 1.5 Further to the cabinet report submitted in February 2013, DEFRA's acceptance of the Newhaven Detailed Assessment in April 2013 and Lewes District Council consultation on the findings of the Detailed Assessment in September 2013, the council then consulted on the geographical extent of the Newhaven AQMA (Appendix 1). The council must then declare an AQMA through issuing a formal order .
- 1.6 Guidance on defining AQMA suggests that the size of an area should be based upon evidence, and physical features. We have also undertaken consultation with key stakeholders Appendix 1)
- 1.7 AQMA's can be very different in size and shape. There are now over 700 AQMA's in England and Wales. Some London boroughs have declared the whole borough. Some AQMA's have been singular buildings, streets or parts of motorways.
- 1.8 Lewes District already has an AQMA in Lewes Town Centre. Nationally 244 local authorities have so far declared AQMAs. Half of the local authorities in Sussex have declared an AQMA giving a total of 12 for the county. All of the London Boroughs have declared AQMAs, with the entire geographical area of Greater London falling within the boundaries of an AQMA
- 1.9 Wherever the boundaries of the AQMA are drawn, then the Action Plan will need to cover a wider area if it is to be successful.
- 1.10 The map of Newhaven (Appendix 4) illustrates the size and location of the proposed AQMA. This area has been based upon evidence collected from our diffusion tubes. We have been monitoring in Newhaven for a number of years with two locations exceeding the air quality objective for NO₂ when measured as an annual mean. Whilst modelling using a sophisticated air pollution computer model also predicts that there may be air pollution problems in other locations adjacent to the ring road. A copy of the proposed Order is attached in Appendix 3.

- 1.11 East Sussex County Council are the highway authority, they have a key role to play with developing the Action Plan. To date they have provided useful traffic data, and we will soon start discussions with East Sussex County Council Officers regarding possible ways of improving air quality.

2 Consultation

- 2.1 The consultation consisted of an online survey that was conducted through Survey Monkey <https://www.surveymonkey.com/>. The survey was advertised in district news and ran for a 6 week period that ended on the 10th January 2014.
- 2.2 The survey attracted 40 responses, a number that is considered a good return for a survey of this type. By far the highest percentage of participants described themselves as residents, followed by commuter, other and then business owner. The participants were presented with 4 options, each detailing the proposed size of the AQMA and the associated pros and cons of each.
- 2.3 The four options presented are detailed in Appendix 1 with accompanying maps. In brief summary option 1 included only the small areas or “hot spots” of exceedence. Option 2 includes these “hotspots” plus the A259 ring road. Option 3 includes these “hotspots” the A259 ring road and Newhaven town centre while option 4 covers the whole of Newhaven.
- 2.4 Both options 1 and 2 attracted 4 votes or 10% of the responses. Option 3 attracted 15 or 37.5% of the vote and option 4, 17 or 42.5% of the vote. (Appendix 2).

3 Discussion

- 3.1 The process of defining the AQMA boundary should not detract from the overall process of local air quality management, and in particular should not delay progression to the next stage, i.e. action planning. An AQMA must include all areas of exceedence, but beyond that the extent of an AQMA is determined by balancing the technical justification with the practical requirements of delivering improvements.
- 3.2 Options 3 and 4 were by far the two most popular choices, demonstrating that there is a keen interest in protecting and improving air quality in Newhaven. However it is also apparent from the comments that a number of the respondents are linking the findings of the detailed assessment with emissions from the ERF. It is important to note that the data that has resulted in the need for a declaration is from 2010 and focuses on the A259 Newhaven one way system. The year of assessment is before the ERF commenced operation and as such it is important these two issues are not confused.

- 3.3 It is also important to note that whatever the size of the AQMA is, the Action Plan subsequently developed will, by necessity, impact on a much wider area. This can be seen in Lewes town where the actions that were identified to improve air quality were often geographically remote to the AQMA e.g. Beddingham A27 improvements.
- 3.4 The presence of an AQMA can be a useful tool in influencing the kind of development allowed in an area, promoting low pollution developments. A blanket declaration of a town as proposed in option 4 is likely to dilute this effect. Furthermore option 4 includes large areas that are not currently exceeding the air quality objective or likely to in the future. This has the potential to take away the focus of the action plan from the movement of traffic on the A259 to other areas where our monitoring has shown the air quality is good.
- 3.5 Option 3 provides focus on the areas of exceedence, ensures any development in the area of influence will consider air quality as a material planning condition and also captures the key transport links that are the source of these air quality hotspots.

4 Financial Implications

- 4.1 There are no direct financial implications to this report other than the commitment of officer time and the continuation of the local air quality monitoring network that has been allocated 2014/15 budget.

5 Legal implications

- 5.1 In addition to the statutory obligations mentioned in this report, action to manage and improve air quality is required by European Union (EU) legislation. The 2008 ambient air quality directive (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact public health including particulate matter. Not achieving the air quality targets nationally means not complying with EU law and consequently, this is a risk for the Council. There is the potential for the UK government to be fined if EU limit values are exceeded. Potentially the fines which can be imposed are significant and the reserved powers in the Localism Act allows those fines to be passed on to local authorities.
- 5.2 Following direction from DEFRA, who have assessed the results of the air quality monitoring, Lewes District Council has a statutory duty to consider the declaration of an Air Quality Management Area (AQMA) in Newhaven. This report asks the Cabinet to consider the several options (1-4) and order one of the areas an AQMA area. The officers recommendation is option 3.

6 Equalities implications

- 6.1 I have completed the Equality impact screening assessment (form AF34375 refers). There are positive impacts to this report, namely an improvement to air quality will enhance the quality of life for people with disabilities arising from respiratory problems (e.g. asthma, COPD).

7 Sustainability implications

- 7.1 I have completed the Environmental Impact assessment (form AF 34377 refers) There are significant positive environmental and health implications associated with this report.

8 Risk Management

- 8.1 I have completed the risk assessment checklist and have identified the following risks:-
- Failure to declare a AQMA would be a breach of the Council's Statutory duty
 - Failure to properly consider the geographical scope of an AQMA may lead to a limited Action plan that would/may not be effective in reducing air pollution.
 - Failure to tackle air pollution effectively could affect the health of residents and reduce the attractiveness of the town as a place to live and work

These risks can be minimised by declaring an AQMA as set out in Appendix 3 and 4.

1. Background Papers

Local Air Quality Management Detailed Assessment of Air Quality in Newhaven 2012, Part IV of the Environment Act 1995

2. Appendices

1. Newhaven Air Quality Management Area consultation paper November 2013
2. Survey results
3. Draft Air Quality Management Order
4. Map of Proposed Air Quality Management Area
5. DEFRA air quality grant money awarded to Lewes DC to date

**Newhaven Air Quality Management
Area Options**

November 2013



Further to the consultation of the detailed assessment of local air quality in Newhaven, Lewes District Council must now consult on the geographical extent of the Air Quality Management Area. This document outlines the options available.



Lewes District Council

Options for Air Quality Management Area in Newhaven

Air quality in Lewes District is predominantly good with the majority of the District having clean unpolluted air. There are however a small number of locations where the combination of traffic, road layout and geography has resulted in the annual average levels of nitrogen dioxide (NO₂) failing to meet EU targets.

If significant pollution is identified the council has to declare an Air Quality Management Area (AQMA). Lewes District Council has already done this for an area in Lewes town centre that also failed to meet the air quality targets for NO₂. Following an AQMA declaration the council must put plans in place to seek to improve the air quality.

It is recognised that improving air quality in these specific locations is difficult due to the increased use and reliance on private motor vehicles. Lewes District Councils [Air Quality Action Plan](#) published in June 2009 recognises that no one single council, department or community has all the answers and improvements to air quality can only be achieved by taking an integrated, collaborative approach to delivering a package of measures.

The Detailed Assessment of the air quality in Newhaven carried out by Lewes District Council has recently been consulted on. It concluded that the UK national Air Quality Objective (AQO) for the annual mean concentration of nitrogen dioxide (NO₂) of 40µg/m³ is likely to be exceeded at a number of locations adjacent to the Newhaven gyratory (A259).

Consequently the local authority has a duty to declare an Air Quality Management Area (AQMA) which will need to cover at least the predicted areas of exceedence in the town. These are identified as being sections of the A259 referred to as Southway and Northway. There is also the option to declare an AQMA that covers a wider area than the area of exceedence. The proposed options are set out within this consultation document.

Once you have decided on your preferred option please complete the online survey at <http://www.surveymonkey.com/s/WY39Z7P> or reply in writing or email on the details below stating your choice. The consultation is a 6 week consultation and will close on the 10th January 2014.

Newhaven Air Quality Management Area Options

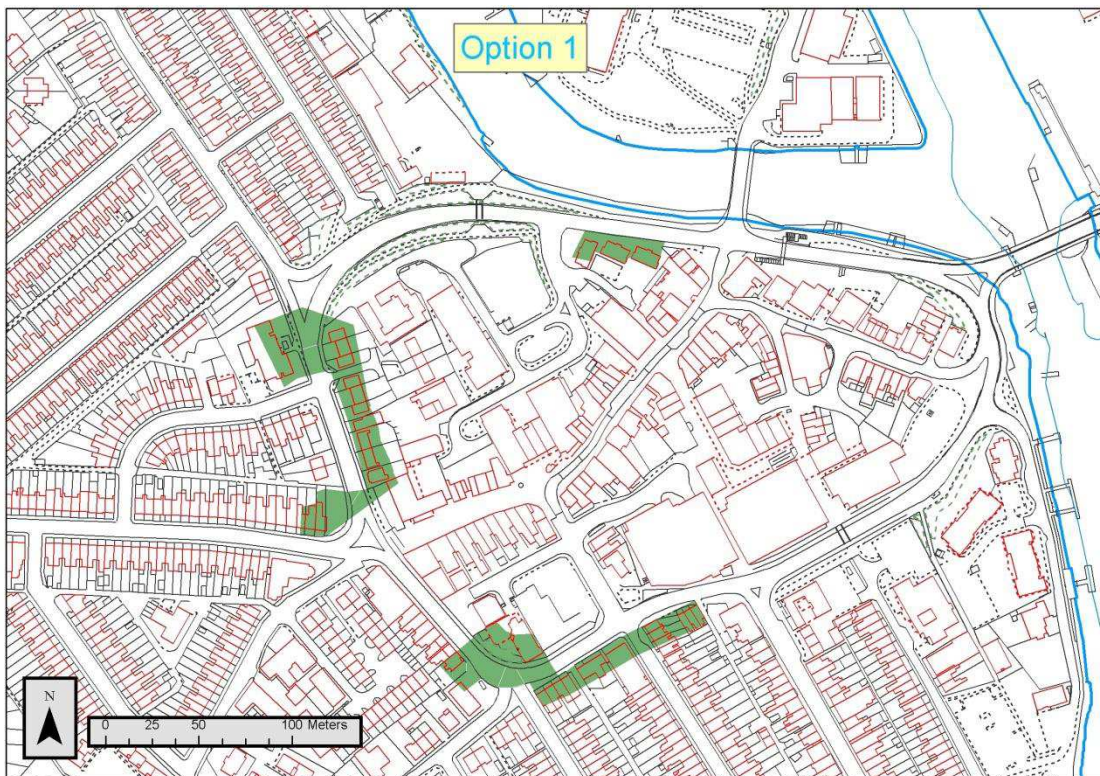
Option 1 – Minimum area of exceedence that would only include the properties (relevant receptors) adjacent to the A259 gyratory that have exceeded the AQO for NO2.

Pros

- This option reflects the area of the actual exceedence most accurately
- Provides focus on the areas of concern and could lead to “ticking off” of AQMA hotspots

Cons

- May result in new declarations as new hotspots that fail to meet the objective are discovered as a result of new weather, traffic data etc.
- If AQMA has to be extended as a result a full consultation will be needed again.
- Potentially more administratively burdensome as new areas are discovered



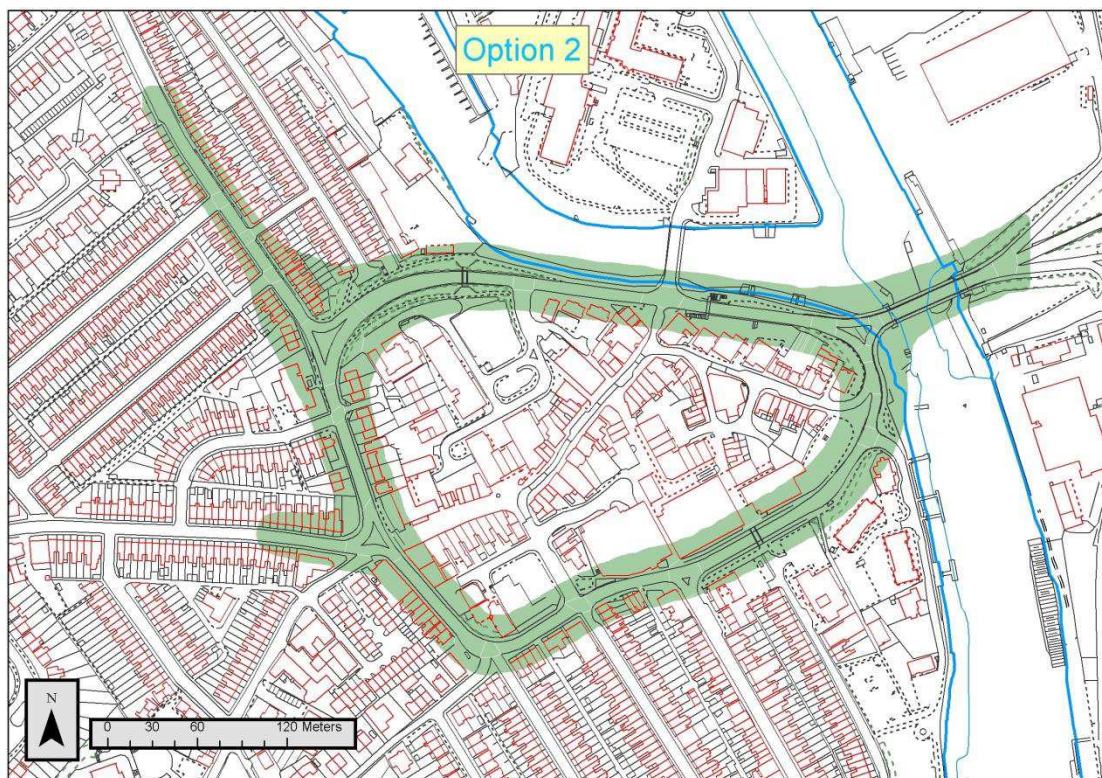
Option 2 – This option extends the AQMA boundary beyond the areas of exceedence and includes all the major roads that enter and exit the gyratory - this would NOT include the town centre

Pros

- All areas of exceedence covered, unlikely to have to extend at a later date
- Includes all of the roads of influence
- Developments in proximity and influence to the gyratory would be required to consider air quality as a material planning consideration and place it higher up on the agenda – but maybe not developments in the town centre.
- Town centre is not “in” AQMA

Cons

- The town centre itself will not be “in” the AQMA, this may result in air quality not being a material consideration with development in the town centre despite the area being surrounded by an AQMA.



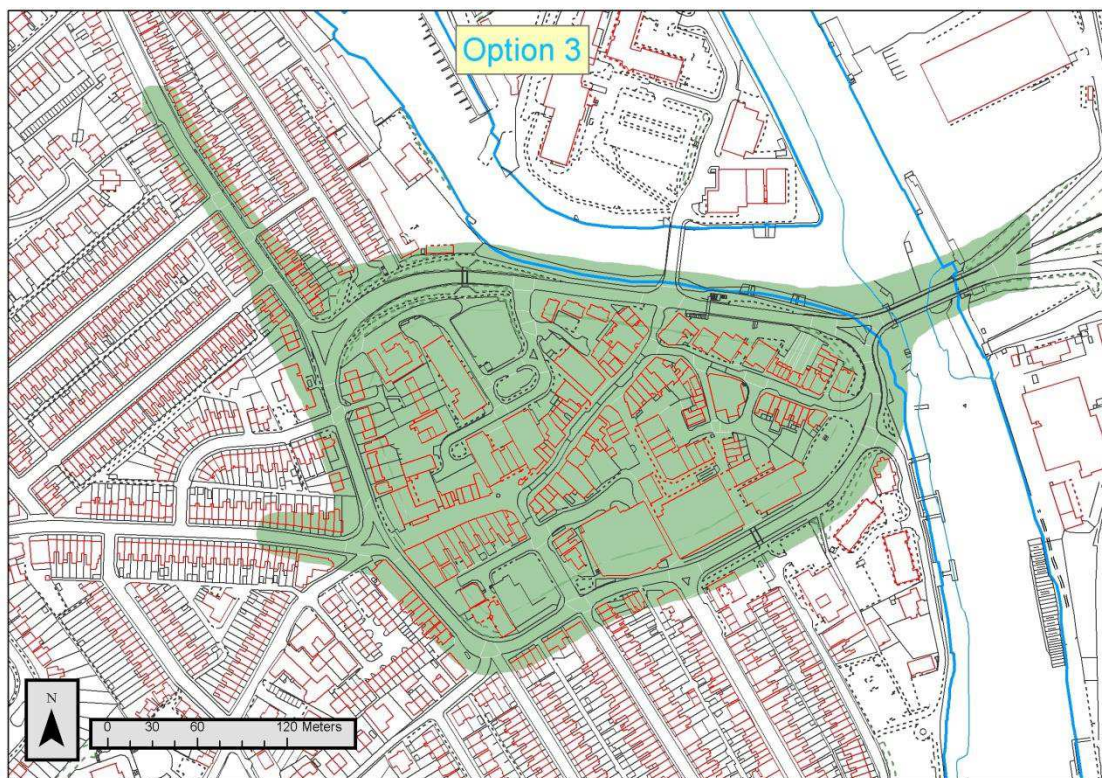
Option 3 – This option extends the AQMA boundary beyond the areas of exceedence and includes all the major roads that enter and exit the gyratory - this would include the town centre

Pros

- All areas of exceedence covered, unlikely to have to extend at a late date
- Development in proximity and influence to the gyratory would be required to consider air quality as a material planning consideration and place it higher up on the agenda – including the town centre
- Includes all of the roads of influence

Cons

- This could be challenged as being too large as it includes areas that are not currently exceeded the air quality objective or likely to in the future.
- Town centre is “in” AQMA



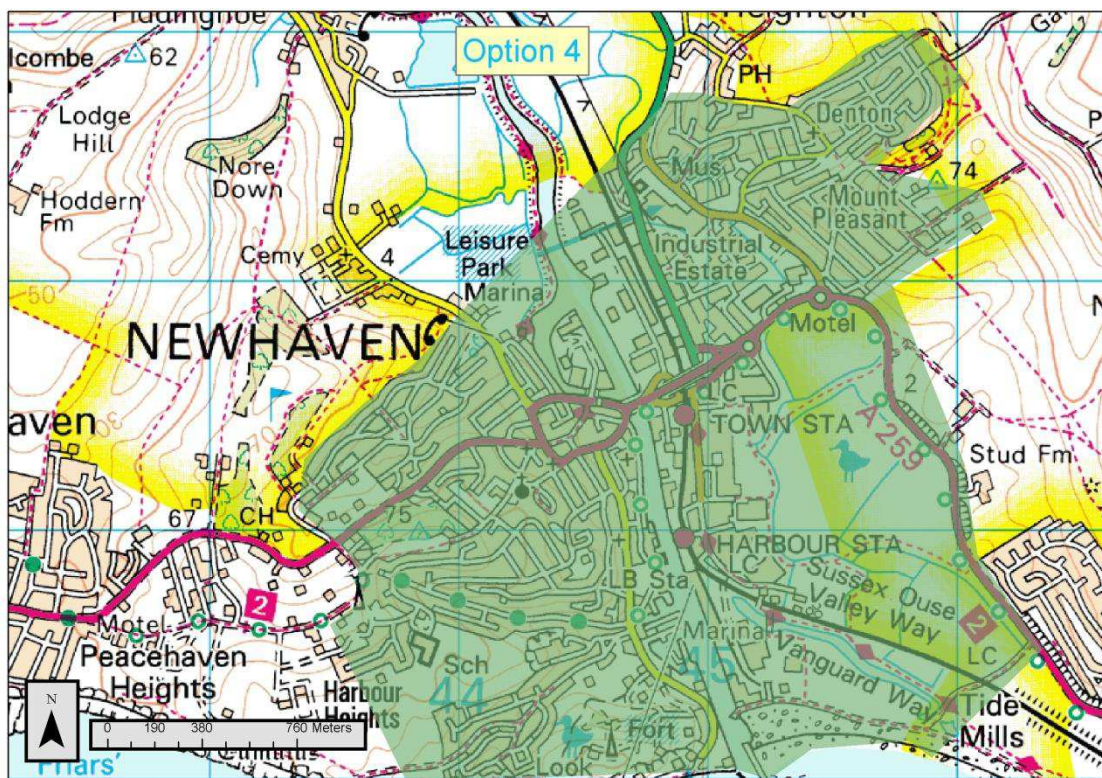
Option 4 – This option extends the AQMA boundary to cover the whole of Newhaven

Pros

- All areas of exceedence covered, unlikely to have to extend at a late date
- Any new development in Newhaven would be “in” the AQMA and air quality would be a material planning consideration.
- Administratively much simpler to draw as it would be dictated by established parish and town boundary

Cons

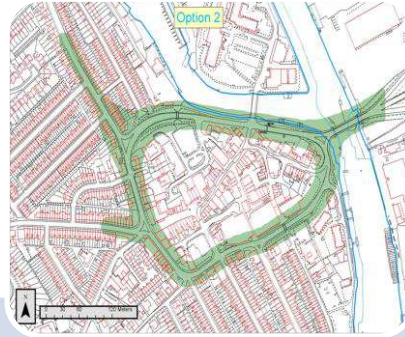
- This could be challenged as being too large as it includes areas that are not currently exceeded the air quality objective or likely to in the future.
- Resource burdensome as air quality would be material planning consideration for all development within this large AQMA
- More difficult to justify technically as would include roads that do not influence areas of exceedence.



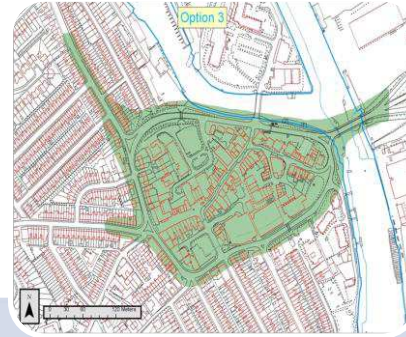
Options summary



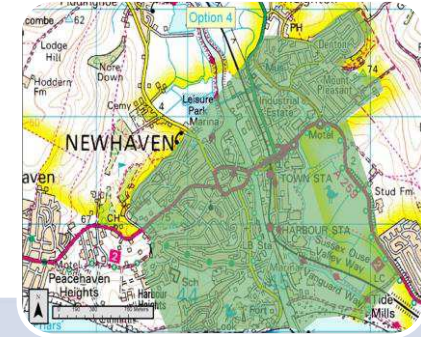
Option 1 – Minimum area of exceedence that would only include the properties (relevant receptors) adjacent to the A259 gyratory that have exceeded the AQO for NO₂.



Option 2 – This option extends the AQMA boundary beyond the areas of exceedence and includes all the major roads that enter and exit the gyratory - **this would NOT include the town centre**



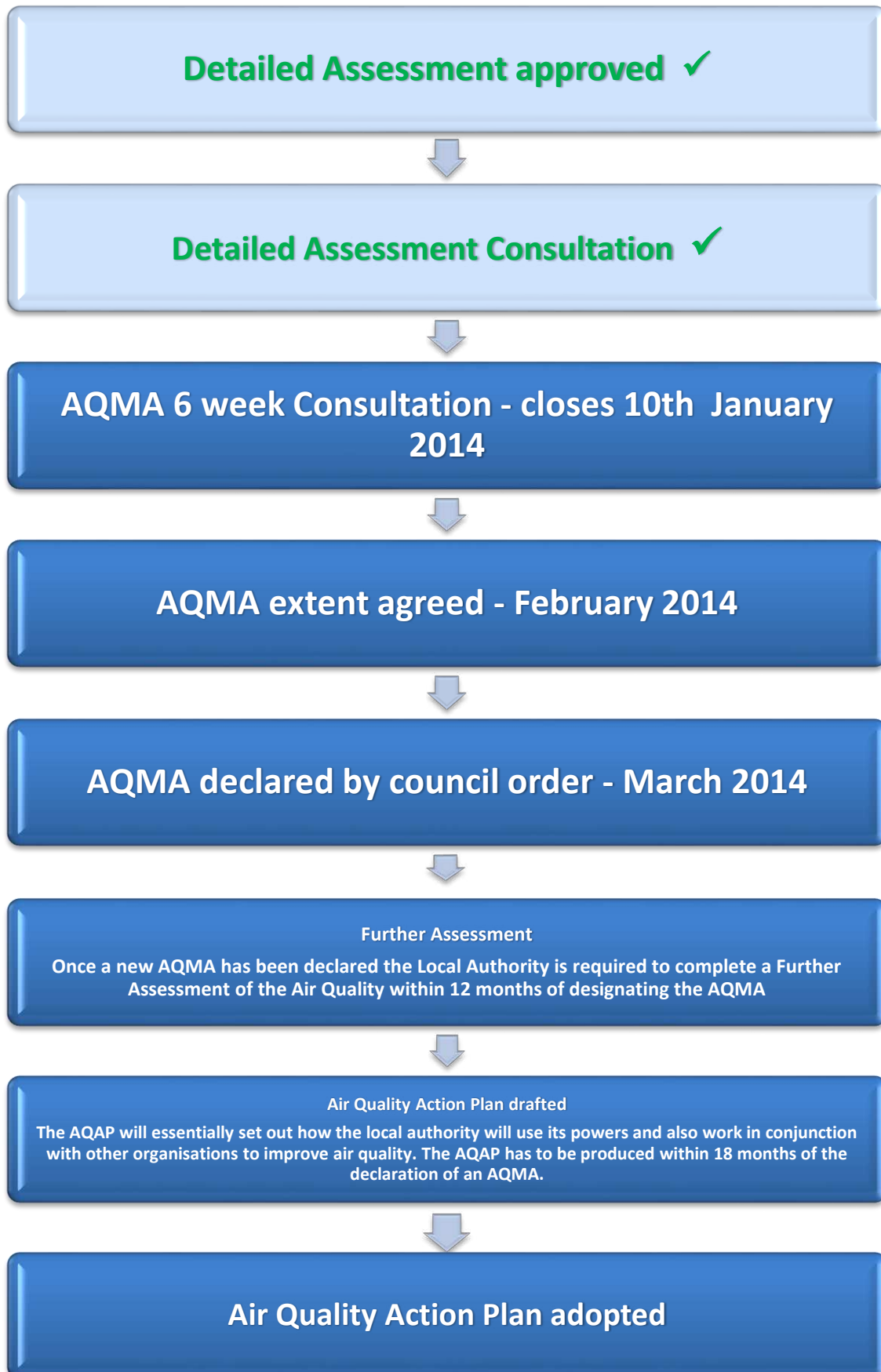
Option 3 – This option extends the AQMA boundary beyond the areas of exceedence and includes all the major roads that enter and exit the gyratory - **this would include the town centre**



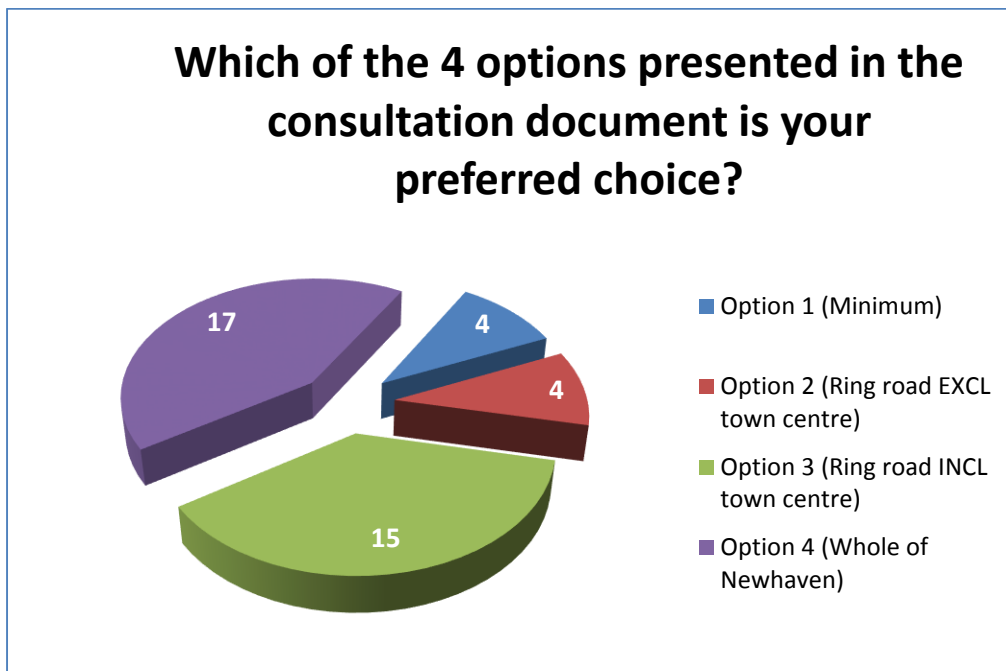
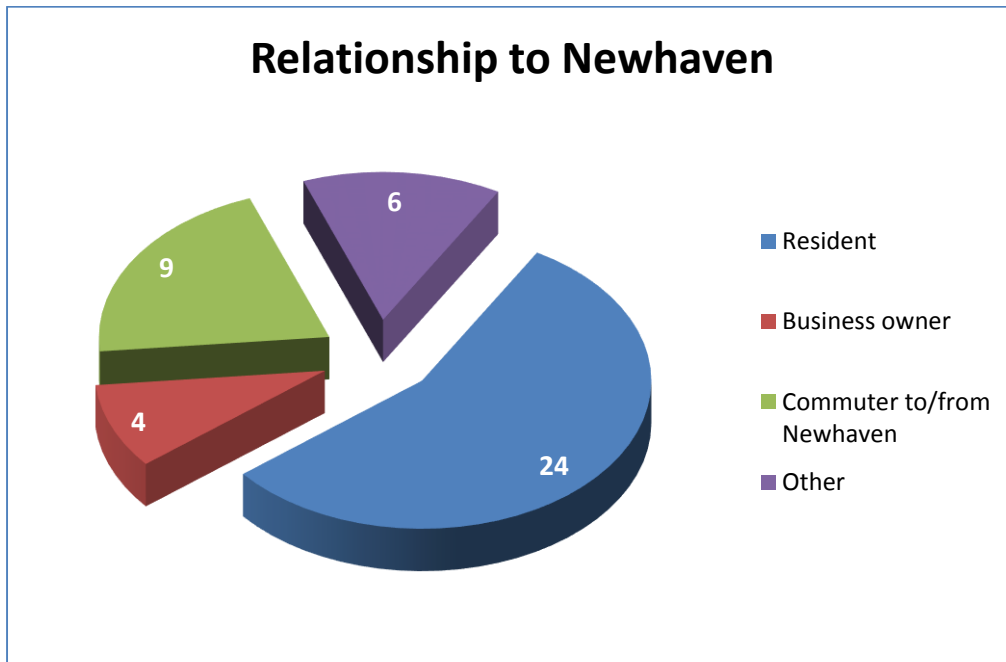
Option 4 – This option extends the AQMA boundary to cover the whole of Newhaven



Timetable



Appendix 2: Survey results



Comments

“Interestingly, no mention of the incinerator as a contributor to the failing air quality. “

1/6/2014 10:14 PM View respondent's answers

“I dont understand what these options mean. I have read the document...Are you going to stop the traffic ? are you going back to the smoke less zones ? no bonfires , coal fire? I live outside all these areas and some mornings the sulpher in the are is terrible! “

1/6/2014 5:46 PM View respondent's answers

“Since the incinerator began operation the air quality is so bad that at times I have to wear a scarf around my face. I live at Mount Pleasant, Denton. “

1/4/2014 3:45 PM View respondent's answers

“Given the industrial nature of Newhaven, and the volume of traffic it receives, I believe the council should adopt all measures to improve the air quality for residents across the area. Planning is a powerful tool, and I believe developers should carry the burden of creating developments that positively contribute to the health of the local environment; both for residents, and for nature. “

1/2/2014 5:34 PM View respondent's answers

“It seems very likley that there are areas within the option 4 ,not covered in the other options, where air quality fails to meet the required standards. Unless option 4 is adopted yet again Newhaven will not recieve the infrastructure planning and investment it deserves to address the recent increase in traffic movements and overall polution levels giving rise to higher than average mortality levels..”

1/2/2014 3:26 PM View respondent's answers

“Air quality would be a material planning consideration which is important under the regeneration of Newhaven plans “

12/28/2013 10:20 AM View respondent's answers

“where possible all council vehicles should be electric i,e refuges collections street cleansing ex, buss companies should be encoureged to convert to electric or a mix and also price fares should be substedisised as well as train fares. this would encourage the use of public transport and therefor reduce air qualty “

12/26/2013 1:25 PM View respondent's answers

“It would be illogical to omit the area where the A26 and A259 meet when it is known that a new housing development is to be built on the East Side, and the Newhaven HWRS is scheduled to be taking far more queuing traffic. “

12/18/2013 1:58 PM View respondent's answers

“Since it opened I have found that I am exceedingly short of breath and that breathing hurts on my walks to work and town. “

12/13/2013 11:04 AM View respondent's answers

“I feel option 3 would be the most appropriate option as hopefully there will be further development to the town centre which would of course increase traffic pollution requiring appropriate management. Traffic queues already go back as far as Denton corner at the moment and pollution at the tea time rush hour is already at a very high level due to slow moving/static traffic “

12/12/2013 7:19 PM View respondent's answers

“I would like to know what effect has the incinerator had on the area. Some people living nearby have commented on their window sills being covered in a grey dust they never had before. “

12/12/2013 6:30 PM View respondent's answers

This is an Officer response.

11/19/2013 10:31 AM View respondent's answers

“Option 3 provides best option to focus AQAP actions on the affected area and protect people nearest to or in the town centre. “

11/11/2013 5:16 PM View respondent's answers

“Including Newhaven Town Centre would ensure that any future development considers the potential impact of the development on Air Quality and measures that could be taken to mitigate the impact. “

11/11/2013 1:48 PM View respondent's answers

Appendix 3: Draft Air Quality Management Order

**Environment Act 1995 Part IV Section 83(1)
Lewes District Council
AQMA Order**

Lewes District Council in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited/referred to as the Lewes District Council Air Quality Management Area A259 Newhaven ring road and shall come into effect on [date]

The area shown on the attached map is to be designated as an air quality management area (the designated area).

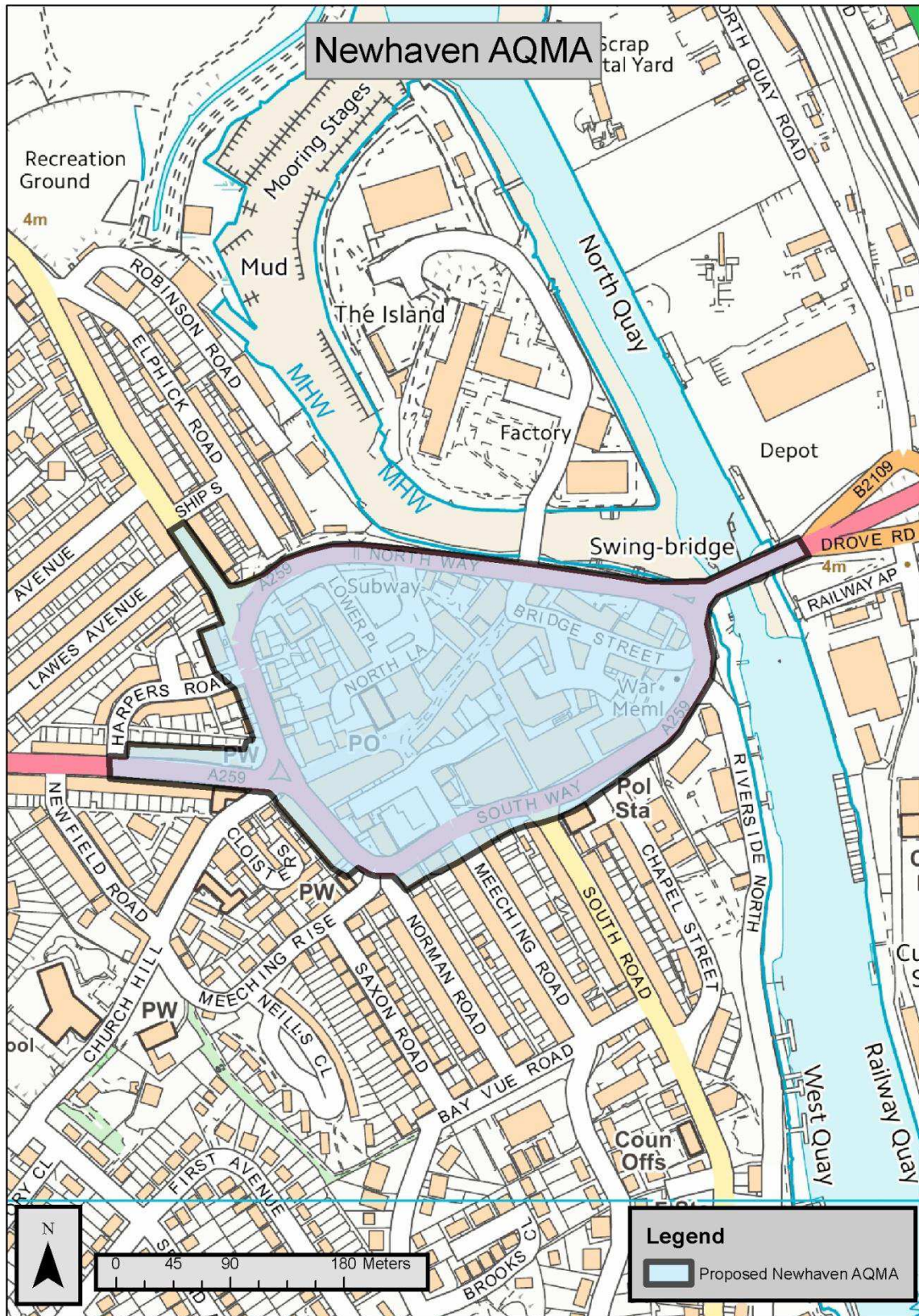
The designated area incorporates the A259 Brighton Road, Southway, Northway, Swing bridge and Lewes road between the junction with Northway and Ship Street. The map may be viewed at the Council Offices. This Area is designated in relation to a likely breach of the nitrogen dioxide (annual mean) objective as specified in the Air Quality Regulations 2000.

This Order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of Lewes District Council was hereto affixed on [date] and signed in the presence of /on behalf of said Council

.....

Appendix 4: Map of proposed Newhaven Air Quality Management Area



Appendix 5: DEFRA air quality grant monies awarded to date to Lewes DC

Air Quality Grant Awards 2007 to 2013

Year	Award	Projects Delivered	Partners
2007/2008	£59,100	Dispersion modelling in partnership with Sussex Air = £12,000 Monitoring equipment = £6,600 AQAP = £23,000 - Fume Free Friday and other public awareness events (including cycle/walking Lewes map) Air Alert development work in partnership with SUSSEX AIR = £17,500	Sussex Air ESCC Lewes Town Partnership Cycle Lewes
2008/2009	£41,000	Dispersion modelling in partnership with SUSSEX AIR = £21,000 AQAP = £20,000 - Fume Free Friday and other public awareness events (including cycle/walking Lewes map)	Sussex Air ESCC Lewes Town Partnership Cycle Lewes
2009/2010	£92,300	AQAP = £92,300 (Lewes Cycle Challenge, Lewes Community Car Club, LES and EV development work)	Co Wheels CIC ESCC Low emission strategies Partnership Challenge for Change CIC
2010/2011	£55,000	Low Emission Strategy and air Alert development work in partnership with SUSSEX AIR = £55,000 AQAP – no bid made but the £70,000 unallocated carry over from	Sussex Air Low Emission Strategies

Year	Award	Projects Delivered	Partners
		previous awards help deliver a second Lewes Cycle Challenge, 3 rd Fume Free Friday and the further development of the Lewes Community Car Club and also part fund a Lewes SDNP walking map.	Partnership Cycle Lewes
2012/2013	£56,000	AQAP £56,000 –third Lewes cycle challenge, cycle storage installation project in partnership with ESCC, reprint and redesign of Lewes Cycle map and the 50% funding of the Fisher Street priority change again in partnership with ESCC.	ESCC Challenge for Change Cycle Lewes
2013/2014	£29,000	AQAP £29,000 – added to unallocated carry over from previous awards of £27,000. This balance will fund a cycle challenge, support the Lewes hike and bike festival and part fund a regional car club development work in partnership with Co wheels and Chichester DC.	Lewes Hike and Bike Festival CIC Co Wheels CIC
Total to date 2007 to 2013	£332,500		