



ADUR & WORTHING  
COUNCILS

Executive Members for Health &  
Wellbeing  
31 January 2019

Decision to be taken on or after  
8 February 2019

Key Decision: No

Ward(s) Affected: All

## **Air Quality Management Area**

### **Report by the Director for Communities**

#### **Executive Summary**

##### **1. Purpose**

The Council has a statutory duty to review air quality within its area and compare the levels of specific pollutants with National Objectives (target levels) to be achieved. Where these levels have exceeded, or are predicted to exceed the objectives, the local authority shall declare an Air Quality Management Area (AQMA).

Exceedances of the hourly mean objective for Nitrogen Dioxide (NO<sub>2</sub>), currently 200ug/m<sup>3</sup>, are indicated when measured levels regularly exceed 60ug/m<sup>3</sup>. Our monitoring suggests this occurs at Grove Lodge. DEFRA have therefore advised us to redesignate the existing AQMA to include exceedance of the hourly mean for NO<sub>2</sub>.

So the proposal is to re-declare the current AQMA to include an exceedance of the hourly mean for NO<sub>2</sub>. The declaration will be preceded by a period of consultation.

##### **2. Recommendations**

The Executive Members for Health and Wellbeing are recommended to approve the consultation process outlined in paragraph 4.3 and to receive a further report following the consultation.

### 3. Context

- 3.1 Part IV of the Environment Act 1995 requires the Secretary of State to publish a national Air Quality Strategy and established the system of local air quality management (sometimes shortened to LAQM), for the designation of Air Quality Management Areas, which commenced in 1997. Air quality objectives are set out in the Air Quality (England) Regulations 2000, as amended by the Air Quality (England) (Amendment) Regulations 2002. These prescribe attainment dates for meeting air quality objectives for eight pollutants, seven of which fall within the LAQM regime (see Appendix 1).
- 3.2 Section 82 of the Environment Act 1995 provides that every local authority shall review both the present and likely future air quality within its area. Section 83 requires local authorities to designate an AQMA where air quality objectives are not being achieved, or are not likely to be achieved within the relevant period, as set out in the Air Quality (England) Regulations 2000. This applies only to those locations where members of the public might reasonably be exposed. Local authorities have to designate these AQMA's 'by means of an order'. Over 500 AQMA's have been declared across the UK varying in size from single properties to entire Boroughs. Once an area has been designated Section 84 requires the local authority to carry out a further assessment within 12 months and then develop an Action Plan for the AQMA, describing what actions relevant agencies will be taking to try and comply with the relevant Objective.
- 3.3 The Air Quality Strategy for England, Scotland, Wales and Northern Ireland states that air quality reduces life expectancy in the UK by an average of seven to eight months, with equivalent health costs estimated to be up to £20 billion a year. Improvements between 1990 and 2001 helped avoid an estimated 4,200 premature deaths and 3,500 hospital admissions a year. The UK Air Quality Strategy aims to cut the reduced life expectancy impact to five months by 2020.
- 3.4 In terms of Nitrogen Dioxide, guidance suggests that any site exceeding  $60\mu\text{g}/\text{m}^3$  as an annual mean risks exceeding the 1-hour mean objective of  $200\mu\text{g}/\text{m}^3$ . A monitoring site adjacent to Grove Lodge Cottages on the A27 has exceeded  $60\mu\text{g}/\text{m}^3$  for many years (see Appendix 2 for site location). Feedback from Defra following previous Annual Status

Reports (ASR's) recommends the Council amends the existing AQMA to incorporate exceedance of the 1-hour mean objective for NO<sub>2</sub>.

#### **4. Issues for consideration**

- 4.1 The results of monitoring suggests levels of NO<sub>2</sub> are exceeding the 1-hour mean Air Quality Objective for the pollutant at Grove Lodge. The Council must therefore re-declare the Air Quality Management Area (AQMA) to incorporate exceedance of the 1-hour mean for NO<sub>2</sub>.
- 4.2 The boundary of the AQMA will remain the same as existing.
- 4.3 The Council are legally obliged to hold a period of consultation regarding the proposed changes to the AQMA before it can be officially declared. The consultation will last for 21 days.
- 4.4 The results of the consultation will be reported after the 21 day period. At that time the Order declaring the AQMA will also be placed before the Executive Member.
- 4.5 If the Council were to do nothing it risks breaching its legal duties under the Environment Act 1995.

#### **5. Engagement and Communication**

- 5.1 The Council are legally obliged to hold a period of consultation regarding the proposed changes to the AQMA before it can be officially declared. It is intended that this will be made available on the council's website, briefly explaining the background, what an AQMA is, the reasons why the AQMA is being amended and how people may comment on the proposal. It is intended to send this to all statutory consultees listed under Schedule 11 of the Environment Act 1995 (the Secretary of State, the Environment Agency, the Highways Agency and West Sussex County Council Highways, neighbouring local authorities, and the South Downs National Park Authority. The consultation will last for 21 days.
- 4.4 The results of the consultation will be reported after the 21 day period. At that time the Order declaring the AQMA will also be placed before the Executive Member.

## **6. Financial Implications**

Any costs associated with declaring an AQMA will be met from within existing budgets. Further monitoring may be required resulting in equipment purchase costs, these are likely to be minimal as the Council already monitor at this location and will be met from existing budgets.

## **7. Legal Implications**

7.1 Section 83 of the Environment Act 1995 requires Local Authorities to designate an AQMA where air quality objectives are not being achieved, or are not likely to be achieved, within the relevant period as set out in the Air Quality (England) Regulations 2000 (as amended). The designation takes place via an Order. The previous order is exhibited at Appendix 3.

7.2 Following the consultation period the regulations provide that a nominated Council Officer should make the Order by affixing the Local Authority official seal to the Order, designating the area. By virtue of delegation 3.9.12 of the Councils' Scheme of Delegations to Officers the authority to seal documents on behalf of the Councils lies with the Head of Legal Services.

7.3 It is good practice to draft the Order so that it comes into effect upon a given future date (approximately 8 weeks hence) to allow for local advertising of the Order. This is in line with the guidance upon the requirement to consult and communicate as part of the process of declaring an Air Quality Management Order. The Local Authority remains under a duty to declare the Order, notwithstanding any objections or representations received. There is also a statutory requirement that copies of the document should be freely available to the public.

## **Background Papers**

[Worthing Annual Status Report 2018](#)

[Defra 2018 Annual Status Report Feedback](#)

### **Officer Contact Details:-**

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## **Sustainability & Risk Assessment**

### **1. Economic**

- Matter considered and no issues identified

### **2. Social**

#### **2.1 Social Value**

- Matter considered and no issues identified

#### **2.2 Equality Issues**

- Matter considered and no issues identified

#### **2.3 Community Safety Issues (Section 17)**

- Matter considered and no issues identified.

#### **2.4 Human Rights Issues**

- Matter considered and no issues identified

### **3. Environmental**

- National Air Quality Objectives are currently being exceeded.

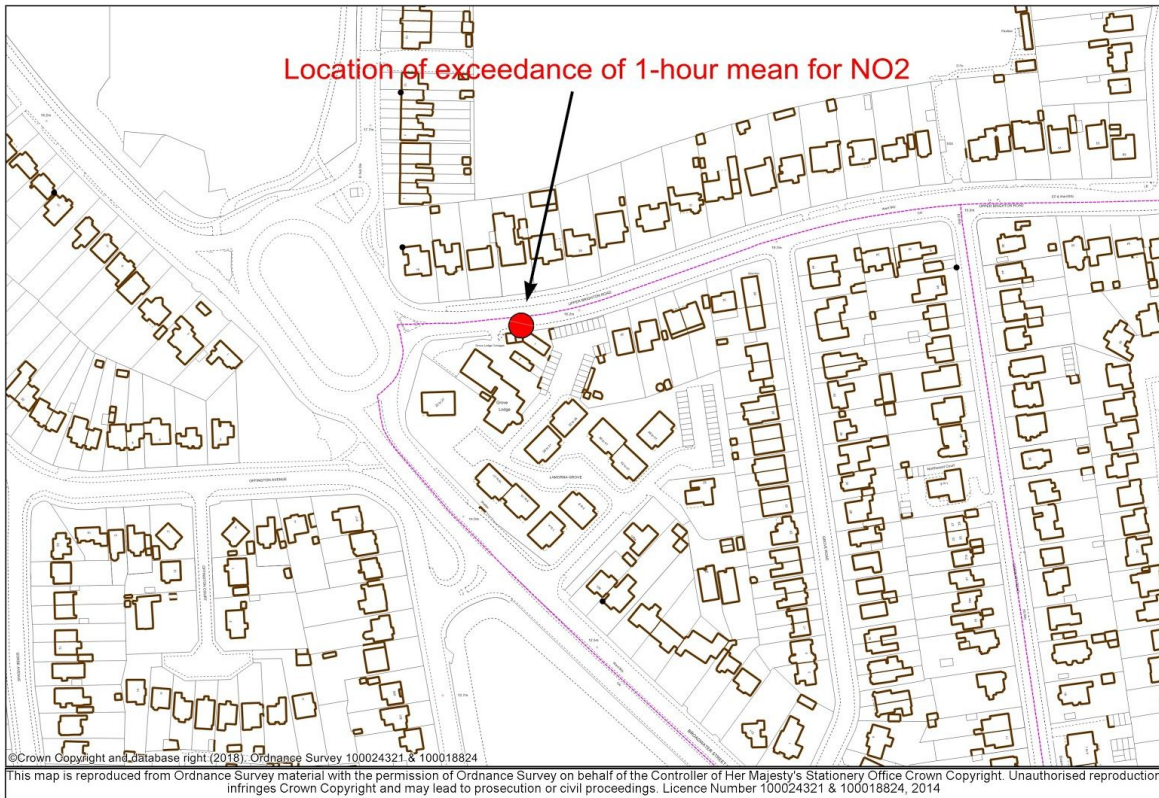
### **4. Governance**

- There is likely to be an adverse impact on the reputation of the Council if it fails to comply with its statutory duties.
- Aligns with Platforms for our Places Platform 3, Stewarding our Natural Resources.

**Appendix 1 - Air Quality Objectives included in Regulations for the purpose of LAQM in England**

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Nitrogen dioxide	200 $\mu\text{g}/\text{m}^3$ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 $\mu\text{g}/\text{m}^3$	Annual mean	31.12.2005

## Appendix 2 - Location of Monitoring site exceeding the 1-hour mean





## Appendix 3 - Existing Order



### Environment Act 1995 Part IV Section 83(1) & 83(2)

#### Worthing Borough Council Air Quality Management Area Order

Worthing Borough Council, in exercise of the powers conferred upon it by Section 83(1) & 83(2) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited as the Worthing Borough Council Air Quality Management Area No.2 and shall come into effect on 15 December 2014.

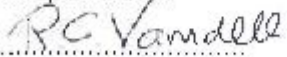
This Order varies Worthing Borough Council Air Quality Management Area No.1 by extending the boundaries of the designated area to those as described below.

The area shown on the attached map hatched in green is to be designated as an air quality management area (the designated area). The designated area incorporates the eastern end of Crockhurst Hill from the eastern boundary of Durrington Cemetery towards Offington Corner Roundabout, Offington Corner Roundabout, Warren Road, 1-3 Warren Farm Place, 1 Links Road, Hill Barn Lane, 17 Mansfield Court Sanditon Way, Grove Lodge Roundabout, Grove Lodge, 1-2 Grove Lodge Collages, 22-27 Lamorna Grove, Upper Brighton Road leading onto the Sompting Bypass, up to and including the Downlands Retail Centre, and Lyons Way. The map may be viewed at the Council Offices.

This Area is designated in relation to a breach, and likely continued 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.

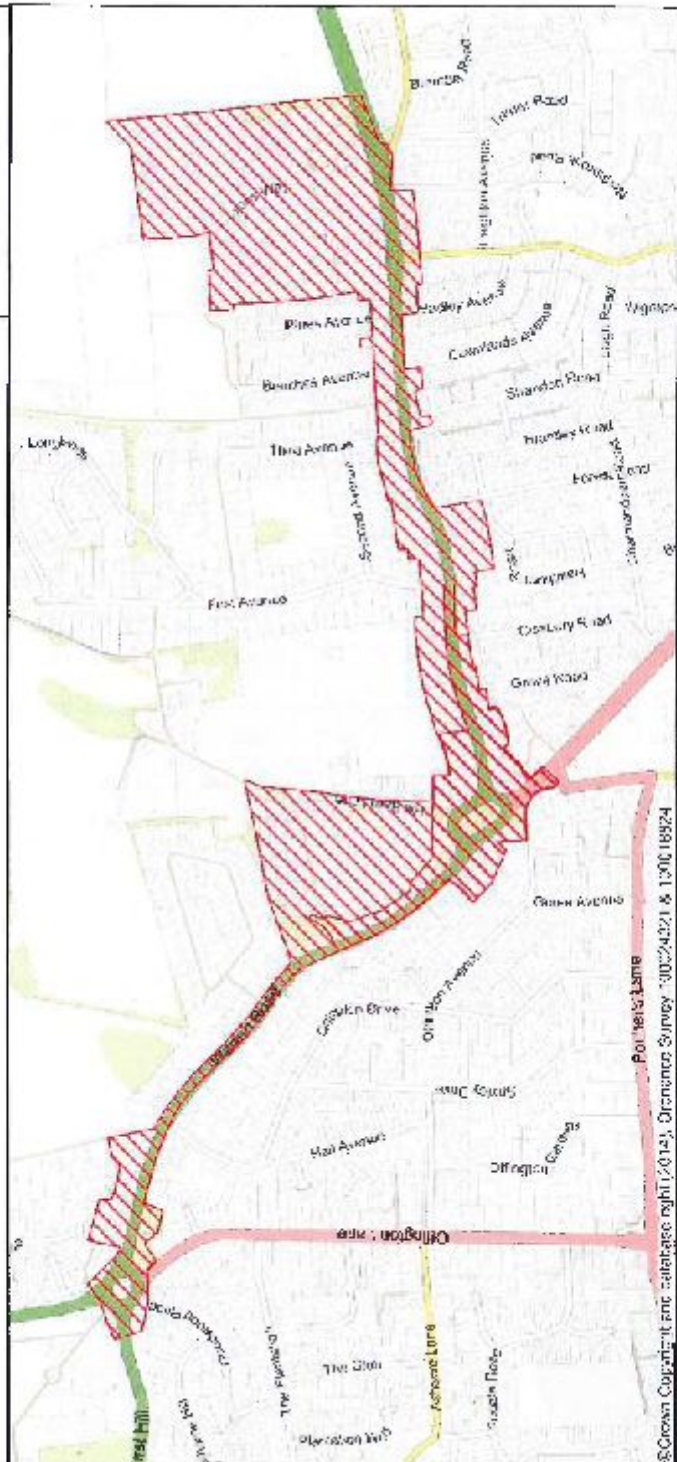
The Common Seal of Worthing Borough Council  
was hereto affixed on 14 November 2014  
in the presence of

  
On behalf of the Solicitor to the Council



9/11/14

Worthing Borough Council Air Quality Management Area No.2



This map is a computer generated map of the Air Quality Management Area No.2. It is based on the data provided by the Local Authority and is not intended to be used for legal purposes. The Local Authority is not responsible for any errors or omissions in this map. The map is for information only and should not be used for any other purpose.

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 Projection: UTM  
 Scale: 1:10000



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