



EAST STAFFORDSHIRE BOROUGH COUNCIL

REPORT COVER SHEET

Title of Report:	Review of the Air Quality Strategy and Action Plan	To be marked with an 'X' by Democratic Services after report has been presented
Meeting of:	Corporate Management Team 21/2/24	X
	Pre Cabinet 29/2/24	X
	Leader's / Leader of the Opposition's Advisory Group / Independent Alliance Advisory Group 7/3/24 & 13/3/24	X
	Cabinet 25/3/24	
	Audit Committee [DATE] / Scrutiny Community Regeneration Committee [DATE] / Scrutiny Environment and Health and Well Being Committee [DATE] / Scrutiny Value for Money Council Services Committee [DATE]	



Is this an Executive Decision:	YES	Is this a Key Decision:	YES
Is this in the Forward Plan:	YES	Is the Report Confidential:	NO
If so, please state relevant paragraph from Schedule 12A LGA 1972:	N/A		

Essential Signatories:

ALL REPORTS MUST BE IN THE NAME OF A HEAD OF SERVICE

Monitoring Officer: **John Teasdale**

Date Signature

Chief Finance Officer: **Lloyd Haynes**

Date Signature

EAST STAFFORDSHIRE BOROUGH COUNCIL

Report to Cabinet

Date: 25 March 2024

REPORT TITLE: Review of the Air Quality Strategy and Action Plan

PORTFOLIO: Communities & Regulatory Services

HEAD OF SERVICE: John Teasdale

CONTACT OFFICER: Rachel Liddle Ext. No. x1838

WARD(S) AFFECTED: All

1. Purpose of the Report

- 1.1. This report reviews and updates the Air Quality Strategy and Air Quality Action Plan and recommends the revocation of the smaller of the two Air Quality Management Areas.
- 1.2. Subject to approval, the Air Quality Action Plan will be subject to a six week statutory consultation with feedback recorded within the Air Quality Action Plan in accordance with DEFRA guidance.

2. Executive Summary

- 2.1. Poor air quality is the largest environmental risk to public health in the UK accounting for up to an estimated 38,000 deaths per year.
- 2.2. Local Authorities have a statutory duty to periodically review and assess their area to determine exceedences in air quality objectives.
- 2.3. Where an exceedence is likely the local authority must declare an Air Quality Management Area (AQMA) and provide an Air Quality Action Plan (AQAP) to address the identified areas of poor air quality in the Borough.
- 2.4. East Staffordshire Borough Council declared two AQMAs in 2007 and adopted an Air Quality Plan in 2009 which was revised in 2015 at which time an Air Quality Strategy was also adopted.

- 2.5. This report reviews the existing Air Quality Strategy and Air Quality Action Plan and recommends the revocation of the smaller of the two Air Quality Management Areas.

3. Background

- 3.1. The Environment Act 1995 established the Local Air Quality Management process through which Local Authorities are required to periodically review and assess their areas to determine exceedences in National Air Quality Objectives.
- 3.2. Where an exceedance is considered likely, local authorities are statutorily obliged to declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place, in pursuit of meeting the Objectives.
- 3.3. In 2007 East Staffordshire Borough Council declared 2 Air Quality Management Areas following exceedences of air quality objectives, namely Nitrogen Dioxide that were identified during air quality assessments. This pollutant is associated with combustion processes, particularly emissions from road vehicles. A large number of local authorities have declared AQMAs for this pollutant.
- 3.4. AQMA 1 is centred on Derby Turn, comprising of the A511 Horninglow Road/Horninglow Street, the A5121 Wellington Street/Derby Street and the Derby Street/Byrkley Street gyratory and A5121 Derby Road. AQMA 2 is much smaller and is centred on St Peters Bridge roundabout in Stapenhill.
- 3.5. Declaring an AQMA enables focussed mitigation measures on air quality, and provides increased protection for the areas affected. Air quality, including the declaration of an AQMA is a material consideration under the National Planning Policy Framework.
- 3.6. As the exceedences in Burton upon Trent are almost entirely due to vehicle emissions, the AQMAs are based around road networks. The larger of the AQMAs (AQMA 1) centres on Derby Turn roundabout and the arterial roads leading to and from it.
- 3.7. A 5 year Air Quality Action Plan was adopted in 2009 detailing measures to be taken in pursuit of improving air quality in the area and meeting the required air quality objectives.
- 3.8. The Air Quality Action Plan was revised in 2015 at which time an Air Quality Strategy was developed and adopted for 2015-2020.

4. Contribution to Corporate Priorities

- 4.1. Standing up for our communities- the adoption of the Air Quality Strategy and supporting Air Quality Action Plan will assist in the control and reduction of the

detrimental impacts that poor air quality can have on human health and the environment.

5. Air Quality Review

- 5.1. Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas.
- 5.2. The annual health cost to society of the impacts of particulate matter alone in the UK is estimated to be around £16 billion. East Staffordshire Borough Council is committed to reducing the exposure of people in East Staffordshire Borough Council to poor air quality in order to improve health.
- 5.3. East Staffordshire Borough Council carries out monitoring of nitrogen dioxide (NO₂) using a network of diffusion tubes and an automatic monitoring station located at Derby Turn. Furthermore, Bureau Veritas manage an urban background monitoring station off Masefield Crescent (Eton area, Burton upon Trent) on behalf of Defra. This station forms part of the automatic, urban, rural network (AURN), which is the UK's largest automatic monitoring network.
- 5.4. Air Quality has improved across all monitoring locations within East Staffordshire since declaring two air quality Management Areas (AQMA) in 2007 and following implementation of the actions detailed within the previous Air Quality Action Plans. However, breaches of the nitrogen dioxide objective remain in some locations within the AQMA's. The Air Quality Strategy and Air Quality Action Plan have therefore been revised to identify further measures to be implemented over the next five years.

Air Quality Strategy 2024-2029

- 5.5. The Air Quality Strategy aims to guide and inform council policy to ensure a coordinated and consistent approach for the effective management of air quality over the next 5 years. The strategy is attached as Appendix 1.
- 5.6. It has been reviewed in accordance with current UK legislation as well as drawing from current best practice and guidance.
- 5.7. The aim of the Air Quality Strategy is 'to monitor and improve local air quality to reduce the detrimental impacts that poor air quality can have on human health and the environment.'
- 5.8. The objectives are:
 - 5.8.1. Improve air quality within our Air Quality Management Areas by reducing emissions from transport
 - 5.8.2. Reduce emissions from development and regeneration.

- 5.8.3. Lead by example reducing our own emissions and ensuring that all relevant Council policies positively integrate air quality in a consistent manner.
 - 5.8.4. Raise awareness and encourage behaviour change to reduce emissions from domestic, industrial and agricultural sectors
 - 5.8.5. To reduce PM_{2.5} emissions across the borough.
- 5.9. These objectives have been carried through to the Air Quality Action Plan which has been revised and updated and is attached as Appendix 2.

Air Quality Action Plan 2024-2029

- 5.10. The Air Quality Action Plan 2024-2029 evolves from and replaces the previous Air Quality Action Plans for 2009-2014 and 2015-2020.
- 5.11. It has been produced as part of our statutory duties required by the Local Air Quality Management framework and outlines the actions we aim to deliver to improve air quality in East Staffordshire Borough Council between 2024 and 2029.
- 5.12. The plan contains actions that have been developed to address NO₂, PM_{2.5} and carbon dioxide (CO₂) across the borough in order to improve human health and the environment in a more equitable way.
- 5.13. The Action Plan will be reviewed every five years and progress on measures set out within this Plan will be reported on annually within East Staffordshire Borough Council's air quality status reports (ASR).
- 5.14. The key priority themes are:
- 5.14.1. To reduce NO₂ concentrations within AQMA 1 to below 36µg/m³
 - 5.14.2. To reduce emissions from development and regeneration through the formal adoption of a Supplementary Planning Document (SPD) for air quality.
 - 5.14.3. To lead by example by reducing our own emissions and develop more internal/external working groups to maximise joint opportunities to improve air quality and address climate change
 - 5.14.4. To raise awareness of air quality issues and provide information and guidance to members, businesses and residents as to how they can protect themselves and be part of the solution
 - 5.14.5. To work towards reducing PM_{2.5} emissions across the borough. The Council is also committed to enforcing the new smoke control laws to help reduce domestic PM_{2.5} emissions

Proposed revocation of the Air Quality Management Area at St Peter's Bridge roundabout, Stapenhill

- 5.15. The overall air quality within the two AQMAs have improved and the Concentrations have consistently been at or below the Objective limit since 2011 in AQMA 2 and 2020 in AQMA 1, however the effects of Covid-19 on traffic levels during 2020 have resulted in under-representative air quality data for AQMA 1.
- 5.16. AQMA 2 is the smaller of the two AQMAs and is located at St Peter's Bridge Island, Stapenhill (Figure 1). It covers a small area of the road network, incorporating only the facades of the first row of properties along Stapenhill Rd, St Peter's Bridge roundabout and St Peter's St/Stanton Rd.

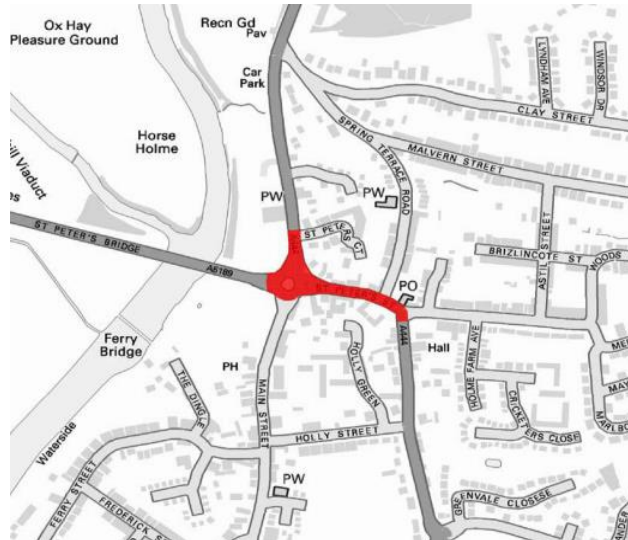


Figure 1- AQMA 2

- 5.17. Monitoring has been undertaken for many years using diffusion tubes located on lampposts within this area.
- 5.18. Diffusion tubes provide spatial coverage for monitoring NO₂ and are exposed for 4 week periods to provide a monthly average. These monthly averages are used to determine an annual average to compare against the annual Objective.
- 5.19. Diffusion tubes are also co-located at our automatic monitoring station at Derby Turn, Burton upon Trent. The automatic monitoring station provides more accurate NO₂ monitoring data and enables a correction factor to be applied to the tube data.
- 5.20. Figure 2 shows that there has been a gradual improvement in NO₂ concentrations since the 2007 declaration of the AQMA with concentrations consistently measured at or below the Objective limit since 2011. The annual NO₂ Objective value (40µgm³) is marked on the graph for comparison.

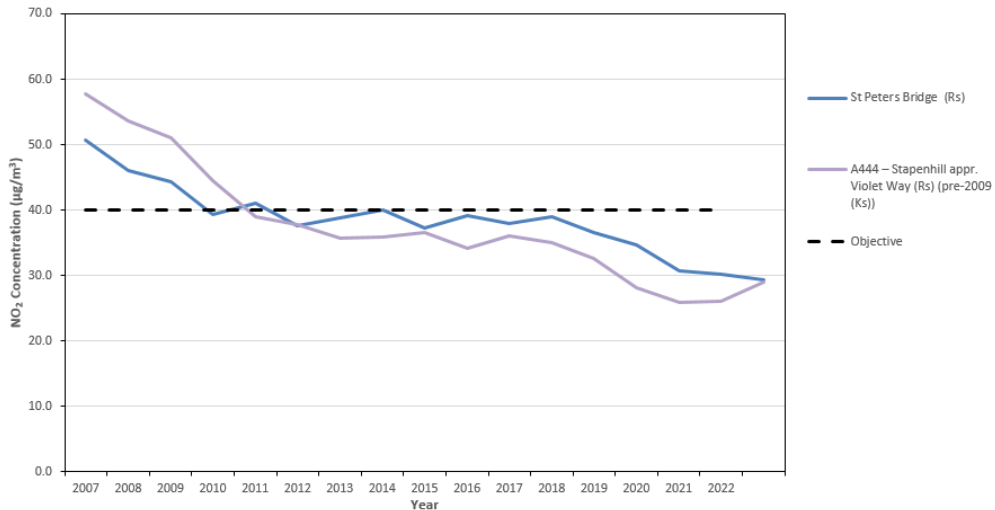


Figure 2- Annual Average NO2 trends at AQMA 2 (2007-22)

- 5.21. Defra Guidance recommends the revocation of an AQMA after 3 years of compliance with the relevant objective, evidenced by monitoring. This allows for the annual variation in meteorological conditions, which can affect air quality. When relying on diffusion tube data, the guidance recommends revocation be considered where there are 3 consecutive years of annual mean NO2 concentrations below 36µgm3 i.e. 10% below the relevant Objective (40µgm3).
- 5.22. NO2 concentrations in AQMA 2 have been below 36µgm3 since 2019 and supported by 11 years of the Objective not being exceeded, meteorological variation over the corresponding time doesn't appear to have significantly affected the air quality to any negative degree.
- 5.23. It is therefore recommended that AQMA 2 be revoked. Feedback from Defra in October 2023 following the submission of the annual status report supports our recommendation and the rationale for revoking AQMA 2.
- 5.24. Subject to Cabinet approval the revocation process will be progressed with a Revocation Order, which will be submitted to Defra and other statutory consultees. This will be made publicly available to ensure the public and local businesses are aware of the revocation. It is expected that the local authority will take the relevant action imposed by the Order within four months following receipt of comments from Defra.

6. **Financial Considerations**

This section has been approved by the following member of the Financial Management Unit: James Hopwood

- 6.1. There are direct no financial issues arising from this Report.
- 6.2. A number of new measures in the planning stage have been set out within section 5 of the Air Quality Action Plan which estimates the likely cost of implementation alongside possible funding sources. There is the potential for

the Council to be required to (part) fund some of those measures, and they will be subject to future Capital Programme and or revenue growth bids as appropriate. The financial implications for those measures will be clarified when the bids are developed.

7. Risk Assessment and Management

7.1. The main risks to this Report and the Council achieving its objectives are as follows:

7.2. **Positive** (Opportunities/Benefits):

7.2.1. The air quality strategy and associated documents build on and assist measures that have been identified and are being planned by other stakeholders. This ensures a joined up and consistent approach to the management of air quality to help ensure that larger more significant improvements are realised.

7.2.2. Improved air quality

7.2.3. Improved health of the most vulnerable people at risk of air pollution

7.2.4. Improved life expectancy and reduced early death from cardiorespiratory diseases

7.3. **Negative** (Threats):

7.3.1. A number of measures within the air quality action plan have been identified by other stakeholders and are dependent on resources being available, including potential funding streams, which are not within our control. These measures could therefore be cancelled due to circumstances outside of our control and may reduce the effectiveness of the air quality action plan.

7.4. The risks do not need to be entered in the Risk Register. Any financial implications to mitigate against these risks are considered above.

8. Legal Considerations

*This section has been approved by the following member of the Legal Team:
John Teasdale*

8.1. The main legal issues arising from this Report are as follows.

8.2. The Air Quality Strategy and Action Plan has been developed in recognition of the legal requirement on the local authority to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.

8.3. Part IV of the Environment Act 1995 places obligations on both district and county councils to improve air quality and The Environment Act 2021 ensures

that responsibility for solutions to poor air quality is shared across local government.

- 8.4. The Air Quality Action Plan therefore details measures that will be taken by East Staffordshire Borough Council and Staffordshire County Council to ensure that air quality objectives are achieved.
- 8.5. The Environment Act, 1995 as amended by the Environment Act 2021 provides the statutory bases for consultation and liaison with respect to local air quality management. The Air Quality Strategy and Action will therefore be subject to a six week consultation with the following:
 - 8.5.1. The Secretary of State
 - 8.5.2. The Environment Agency
 - 8.5.3. The highways authority
 - 8.5.4. All neighbouring local authorities
 - 8.5.5. Other public authorities as appropriate, such as Public Health officials
 - 8.5.6. Bodies representing local business interests and other organisations as appropriate
- 8.6. The feedback will be summarised within the Air Quality Action Plan.

9. Equalities and Health

- 9.1. **Equality impacts:** The subject of this Report is a policy, strategy, function or service that is new or being revised. An equality and health impact assessment has been completed which identified no adverse equality or health issues arising from this report.
- 9.2. **Health impacts:** The outcome of the health screening question does not require a full Health Impact Assessment to be completed.

10. Data Protection Implications – Data Protection Impact Assessment (DPIA)

- 10.1. A DPIA must be completed where there are plans to:
 - use systematic and extensive profiling with significant effects;
 - process special category or criminal offence data on a large scale; or
 - systematically monitor publicly accessible places on a large scale
 - use new technologies;
 - use profiling or special category data to decide on access to services;
 - profile individuals on a large scale;
 - process biometric data;
 - process genetic data;
 - match data or combine datasets from different sources;
 - collect personal data from a source other than the individual without providing them with a privacy notice ('invisible processing');
 - track individuals' location or behaviour;
 - profile children or target marketing or online services at them; or
 - process data that might endanger the individual's physical health or safety in the event of a security breach

10.2 Following consideration of the above, there are no Data Protection implications arising from this report which would require a DPIA

11. Human Rights

11.1. There are no Human Rights issues arising from this Report.

12. Sustainability (including climate change and change adaptation measures)

12.1. Does the proposal result in an overall positive effect in terms of sustainability (including climate change and change adaptation measures) Yes

12.2. Please detail any positive/negative aspects:

12.3. Positive (Opportunities/Benefits)

12.3.1. Increased sustainable transport

12.3.2. Reduction in carbon emissions which contributes towards the Climate Change Strategy

12.4. Negative (threats)

12.4.1. None

13. Recommendation(s)

13.1. Members to consider the contents of the report and approve the updated Air Quality Strategy, Air Quality Action Plan and the revocation of AQMA 2.

13.2. Subject to approval, the Air Quality Action Plan will be subject to a six week statutory consultation with feedback recorded within the Air Quality Action Plan in accordance with DEFRA guidance.

14. Background Papers

14.1. None

15. Appendices

15.1. Appendix 1: Air Quality Strategy 2024-29

15.2. Appendix 2: Air Quality Action Plan 2024-29