

Decision Under Delegated Powers

Officer Requesting the Decision

Beverley Green - Environmental Protection Manager

Officer Making the Decision

Gareth Harvey - Head of Regulatory and Community Safety

Recommendation

To confirm the revocation of the existing 4 x air quality management areas (AQMAs) within the Borough in Loughborough, Syston, Mountsorrel and around Great Central Railway and publish the revocation orders on the Council's website.

Reason

Pollutant concentrations have remained consistently under the National Air Quality Objectives (NAQO) for all pollutants for the last five years in all 4 x AQMAs in Loughborough, Syston, Mountsorrel and around Great Central Railway.

Instructions given in current Defra Technical Guidance (LAQM TG-22) states:

*The revocation of an AQMA should be considered following three consecutive years of compliance, 10% below the relevant objective at the point of exposure. Where there have been no exceedances for the past five years, local authorities **must** proceed with plans to revoke the AQMA. There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.*

This instruction was confirmed by Defra in their appraisal of the Council's 2023 Annual Status Report on air quality and their subsequent letter of instruction that the Council must revoke the AQMAs by the 31st October 2024.

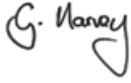
Authority for Decision

Under the provisions of Section 8.2 of the Constitution the Head of Regulatory Services and Community Safety has delegated authority to undertake functions in relation to air quality which includes revocation of Air Quality Management Areas (Items 1,) and under delegated Executive functions (items 22 and 23):

1. *To exercise powers generally under Environmental Protection, Public Protection, Food Hygiene and Food Safety, Health and Safety, Animal Welfare, Pest Control and Dog Control legislation, as amended from time to time, and in particular relating to:-*
 - a. *Statutory nuisances.*
 - b. *Air Quality, water quality (recreational and drinking) and pollution control.*
22. *To deal with all matters in connection with the submission and publication of Air Quality Assessments.*

23. To exercise powers under relevant legislation relating to the control of pollution, management of air quality and statutory nuisances.

Decision and Date



19 August 2024

Background Information

The Environment Act 1995 (as amended by Environment Act 2021), places an obligation on all local authorities to review and assess air quality in their areas, to determine whether National Air Quality Objectives (NAQO) for specific pollutants are likely to be achieved. Where an exceedance of one of the Objectives is considered likely the authority must declare an Air Quality Management Area (AQMA).

There are currently 4 x AQMAs in Charnwood, these are:

1. Loughborough AQMA - Declared in 2001 and amended in 2004 for exceedance of the annual mean of 40 µg/m³ for Nitrogen Dioxide (NO₂) due to motor vehicle traffic.
2. Syston AQMA - Declared in 2001 and amended in 2004 again for exceedance of the NO₂ annual mean of 40 µg/m³ from motor vehicle traffic..
3. Mountsorrel AQMA – Declared in 2011 for exceedance of fine particulate matter (PM₁₀) principally due to dust from Mountsorrel Quarry.
4. Great Central Railway AQMA - Declared in 2004 for exceedance of the 15-minute mean for Sulphur Dioxide (SO₂). Sulphur Dioxide (SO₂) is produced when sulphur-containing fuel, such as coal, is burnt in steam locomotives.

Following implementation of our Air Quality action plans and continuous monitoring, pollutant concentrations have remained consistently under the National Air Quality Objectives (NAQO) for all pollutants for the last five years. Current Defra Technical Guidance (LAQM TG-22) states:

*The revocation of an AQMA should be considered following three consecutive years of compliance, 10% below the relevant objective at the point of exposure. Where there have been no exceedances for the past five years, local authorities **must** proceed with plans to revoke the AQMA. There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.*

This was confirmed by Defra in their appraisal of the Council's 2023 Annual Status Report and subsequent letter of instruction that the Council must revoke the AQMAs by the 31st October 2024.

Following removal of the AQMAs, Defra Local Air Quality Management Policy Guidance (PG-22) states that if a local authority no longer has any declared AQMAs or where these have been revoked, the local authority is required to draw up a Local Air Quality Strategy (AQS). This is to ensure air quality remains a high profile issue and that the Local Authority is able to respond quickly should there be any deterioration in local air quality conditions.

A 4-week consultation exercise was undertaken between 8 July - 5 Aug, to advise residents about our intention to revoke the AQMAs and to give local communities the opportunity to highlight any concerns. Briefings on the proposal to revoke was also shared with the Lead Member for Climate Action and Net Zero, local borough and county councillors and relevant parish councils.

In total 88 responses were received, the majority from Mountsorrel and Quorn (72). These raised concerns about the impact of Mountsorrel quarry on local dust levels and the need for more monitoring around this area. The majority of responses were against revocation, but this appeared to be due to the misconception that this would mean less monitoring across the borough and a deterioration in air quality.

Following the revocation of the AQMAs we will be producing an Air Quality Strategy to cover the whole of the Borough. The strategy will have an overall aspiration to reduce local population exposure to air pollution, demonstrate commitment to keep pollutant concentrations below objective levels and provide improved access to information about local air quality to the public.

Given the previous advice from DEFRA and in consideration of the last five years monitoring results, it is now considered appropriate for the Council to make an order under section 83(2)(b) of the Environment Act 1995 to revoke the 4x AQMA.

This request was discussed at SLT on 07/8/24 with agreement that the 4x AQMAs be revoked and the Council proceed with plans to produce an Air Quality Strategy. Updates on the progress of this work will be reported to the Environment and Climate Change Board on a regular basis.

Comments from HR

No HR implications

Financial Implications

No Financial implications

Risk Management

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Failure to deliver revocation of AQMAs within Defra deadlines	Low	Low	Regular project meetings and communication to ensure project is on track. Air Quality Project Group (AQPG) established. Reporting of progress to Environment and Climate Change Board
Raise in public health issues	Low	Low	Air quality is generally good and monitoring will continue even once the AQMAs have

related to air quality following removal of AQMAs			been revoked.
Risk of diluting public confidence in air quality management if AQMAs are kept for longer than necessary	low	Low	Council staff experienced in air quality will be involved in the revocation process and preparation of the replacement Air Quality Strategy to give the project greater likelihood of success.

Key Decision: No

Background Papers: None