

Bolsover District Council

Executive

2th June 2020

Revocation of Two Air Quality Management Areas in Barlborough

Report of the Portfolio Holder – Environmental Health & Licensing

This report is public

Purpose of the Report

- To seek Members approval to make an Order under the Environment Act 1995 to revoke two Air Quality Management Areas, namely The Barlborough No 1 Air Quality Management Area and the Barlborough No 2 Air Quality Management Area.

1 Report Details

- 1.1 The Council has a legal duty under the Environment Act 1995 to assess air quality for a number of key pollutants in its area. If it is found that any of the national air quality standards (called Air Quality Objectives) are being exceeded at a relevant location such as a dwelling or a number of dwellings, it is a statutory duty for the Council to declare an Air Quality Management Area (AQMA) and to formulate an Air Quality Action Plan to improve air quality and reduce pollutant concentrations to a level that is below the limit.
- 1.2 In August 2005 the Council identified an area in Barlborough as having an annual mean nitrogen dioxide concentration above the national Air Quality Objective and therefore declared an AQMA (The Barlborough No 1 Air Quality Management Area). The annual mean nitrogen dioxide concentration at the time of declaration was 43µg/m³ (micrograms per cubic metre). The annual mean Air Quality Objective for this pollutant is 40 µg/m³.
- 1.3 This AQMA is comprised of a single dwelling, 14 Chesterfield Road, Barlborough. The extent of the Barlborough No1 Air Quality Management Area is shown highlighted in red on the plan at Appendix 1.
- 1.4 The Council has been monitoring nitrogen dioxide concentrations in the AQMA since that date and for the past 7 years the concentrations have fallen to a level well below the 40 µg/m³ standard as shown in the Table 1 below:

	2013	2014	2015	2016	2017	2018	2019 (Part year) ¹
Annual Mean Nitrogen Dioxide concentration (µg/m³)	29.9	28.5	29.2	28.5	28.4	27.1	28.2

Table 1 Annual Mean Nitrogen Dioxide Concentration in the Barlborough No 1 Air Quality Management Area 2013 – 2019

- 1.5 In 2007 a further exceedance of the annual mean Air Quality Objective was identified in the Barlborough area and a further AQMA was declared (The Barlborough No2 Air Quality Management Area). The annual mean nitrogen dioxide concentration was also found to be 43µg/m³.
- 1.6 The Barlborough No2 AQMA comprises 5 dwellings namely 17-25 (odd numbers only), Orchard Close, Barlborough. The extent of the Barlborough No2 Air Quality Management Area is shown highlighted in red in the plan at Appendix 2.
- 1.7 Monitoring at this location has similarly confirmed that the concentrations over the past 7 years have been well below the 40 µg/m³ Air Quality Objective as detailed in Table 2 below.

	2013	2014	2015	2016	2017	2018	2019 (part year) ¹
Annual Mean Nitrogen Dioxide concentration (µg/m³)	32.7	29.4	30.2	30.8	29.8	28.7	25.3

Table 2 Annual Mean Nitrogen Dioxide Concentration in the Barlborough No 2 Air Quality Management Area 2013 – 2019

¹ Figures based on 11 months data (Jan-Nov 2019) and applied 2018 bias adjustment. Final audited data sets will be available by March 2020 for publication in the 2020 Annual Status Report in July 2020

- 1.8 Due to the prolonged period that the concentrations have been significantly below the Air Quality Objective in both the AQMAs, the service is confident that the reduction is permanent and not due to annual variations as a result of, for example, meteorological conditions.
- 1.9 The specific reasons for the reductions are likely to be a combination of factors, but the key reason will be the reduction in the number of old polluting vehicles and improvements in emission standards for newer vehicles.
- 1.10 The Council has commissioned external consultants to review the monitoring data to ensure that this decision is robust and the conclusion that the two AQMAs can be revoked has been approved by the Department for Environment Food and Rural Affairs (DEFRA) following submission of the Council's Annual Status Report for 2018.
- 1.11 The Council is required to undertake a statutory consultation process and as part of the revocation process. The following were consulted in early 2019 over the potential revocation of the AQMAs:

- Highways Agency
- Derbyshire County Council
- Director of Public Health
- Environment Agency
- Elected Members of Bolsover District Council (Barlborough Ward)
- Leader of the Council
- Secretary of State for the Environment
- Member of Parliament
- Barlborough Parish Council
- Amber Valley Borough Council
- Ashfield District Council
- Bassetlaw District Council
- Chesterfield Borough Council
- Mansfield District Council
- Rotherham Metropolitan Borough Council

- 1.12 The following Consultation responses have been received:

Barlborough Parish Council

Expressed concerns about major new developments in the area and expressed concern about cessation of monitoring especially at the two monitoring locations at the Treble Bob roundabout.

Environment Agency

No objections

Director of Public Health – Derbyshire County Council

Air quality is a significant determinant of health and any reduction in air pollution exposure can have a positive impact on population health. Given the air quality

management data presented I would be supportive of the proposal to revoke the AQMA in line with DEFRA guidance, on the proviso that air quality monitoring continues for a number of years following the revocation in the respective area(s).

Mansfield District Council

No Comments

Ashfield District Council

No objections

Highways Agency

No Comments

1.13 Comments on Consultation responses

Both Barlborough Parish council and the Director of Public Health have requested that monitoring is continued in the area after the AQMA is revoked (if approved). There was never any intention of stopping the monitoring in the area which has, and will continue to be undertaken for the foreseeable future. The monitoring in the Barlborough No2 AQMA has been reduced to enable additional monitoring in other locations in the area.

2 Conclusions and Reasons for Recommendation

- 2.1 The air quality in both the Barlborough No1 and Barlborough No2 Air Quality Management Areas has been well within the National Air Quality Objectives for at least the last five years and has shown a gradual reduction over that period. There is no indication or reason to believe that air quality in these areas will worsen in the foreseeable future.
- 2.2 The monitoring data has been evaluated by consultants and found to be robust. The consultants (Bureau Veritas) recommended that the two AQMAs should be revoked.
- 2.3 This was reported in the 2018 Annual Status Report on Air Quality. DEFRA has also agreed that the AQMAs should now be revoked.
- 2.4 It is therefore recommended that the Barlborough No1 Air Quality Management Area and the Barlborough No2 Air Quality Management be revoked and the Order (the Barlborough No1 Air Quality Management Area (Revocation Order)) and the Barlborough No2 Air Quality Management Area (Revocation Order)) be made in each case.

3 Consultation and Equality Impact

- 3.1 Extensive consultation has been undertaken as detailed in paragraphs 1.10 to 1.12 above.
- 3.2 There are no impacts on equality arising from revocation of the AQMAs.

4 Alternative Options and Reasons for Rejection

- 4.1 The only alternative would be to keep the AQMAs in place. There is no justification for this as the purpose of an AQMA is to enable actions to be prioritised by the local authority to tackle high levels of Nitrogen Dioxide exceeding the annual mean Air Quality Objective

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 There are no financial disadvantages or risk arising from revoking the AQMAs. The reduced activity will enable the Council to focus resources and expertise on other areas of concern in the area, including the direction from Government to tackle air quality concerns at the A38 (the A38 direction).
- 5.1.2 The reduced activity to support the AQMA will enable the Joint Environmental Health Service to further support preventative activity and support for businesses and developers through the planning regime.

5.2 Legal Implications including Data Protection

- 5.2.1 There are no legal or data protection implications arising from revoking the AQMAs.

5.3 Human Resources Implications

- 5.3.1 There are no human resources implications arising from revoking the AQMAs. The activity in support of the AQMA's accounts for approximately 0.2 of a full time equivalent Environmental Protection Officer. There is a resourcing pressure within the Joint Environmental Health service presently and removal of these two AQMA's will assist the council to meet other statutory and planning support activities.

6 Recommendations

- 6.1 That the Executive approves the making of Orders revoking the Barlborough No1 Air Quality Management Area and the Barlborough No2 Air Quality Management Area.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
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Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed?	Yes
District Wards Affected	Barlborough
Links to Corporate Plan priorities or Policy Framework	All

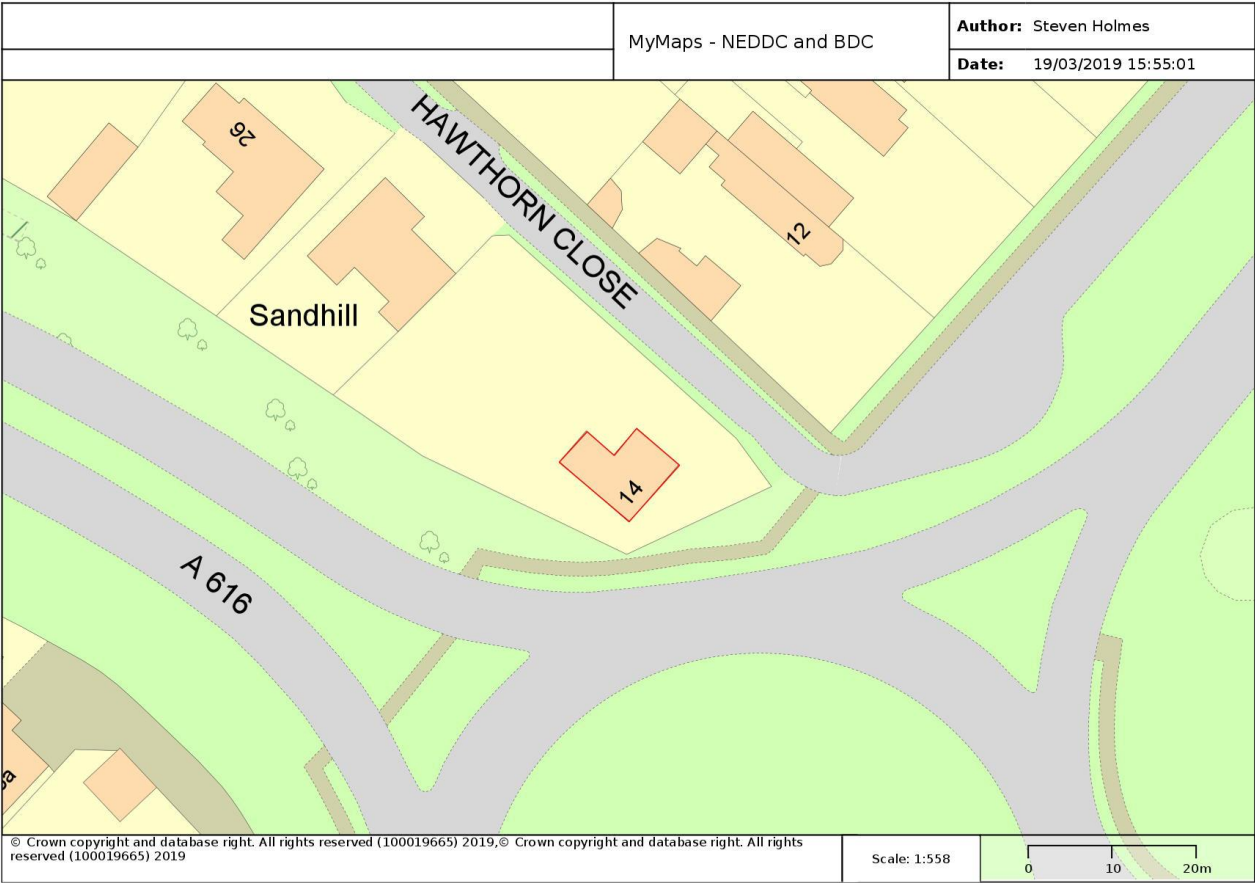
8 Document Information

Appendix No	Title
1	Plan Showing the Barlborough No1 Air Quality Management Area
2	Plan Showing the Barlborough No2 Air Quality Management Area
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Elizabeth Sellers, Environmental Protection Officer Matt Finn, Environmental Health Manager Ken Eastwood, Head of Service	01246 217848

Appendix 1

Barlborough No 1 Air Quality Management Area

14 Chesterfield Rd, Barlborough (outlined in red)



Appendix 2

Barlborough No 2 Air Quality Management Area,
17-25 (odd numbers only) Orchard Close, Barlborough (Outlined in red)

