

Name of meeting: Cabinet
Date: 29 May 2019
Title of report: Air Quality Management Area Declaration - Thornton Lodge

Purpose of report

This report seeks Cabinet approval for delegated authority to the Strategic Director (Economy and Infrastructure) as per the delegated powers scheme to declare an Air Quality Management Area in Thornton Lodge and Longroyd Bridge, Huddersfield (to be known as Air Quality Management Area 10).

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes This affects two wards ("Crosland Moor and Netherton" and "Newsome")
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	Not Applicable
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Karl Battersby - 03.05.2019
Is it also signed off by the Service Director (Finance)?	Eamonn Croston - 07.05.2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft - 10.05.2019
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected:

Crosland Moor and Netherton
Newsome

Ward councillors consulted: Ward Cllrs invited to briefing session, Cllr Kaushik attended. Further engagement to be conducted via writing.

Public or private: Public

Have you considered GDPR?

No personal information contained within report or AQMA declarations. Although it should be noted that the individual properties contained within the declarations will be identified.

1. Summary

Local Air Quality Management (LAQM) is the framework in the UK where Local Authorities monitor levels of Air Pollution and take action when levels are above those required by government. The Local Authority must declare Air Quality Management Areas (AQMA) for the areas of the borough where pollution levels are exceeded. Action Plans can then be developed to reduce levels of pollution to acceptable levels.

Kirklees Council Pollution Officers monitor Air Pollution at over 80 locations across the borough.

There are currently 9 AQMAs within Kirklees. We seek Cabinet approval to delegate authority to the Service Director to:

- Declare a further 1 AQMA in the Thornton Lodge/Longroyd Bridge area.

Maps and locations of these areas are in the appendices of the 2018 ASR.

The declarations, modifications and removals are achieved by legal Orders made under the Environment Act 1995, authorised by the Service Director on approval by Cabinet.

The evidence base and reasons behind the above actions of the Council were outlined in the 2018 Annual Status Report (ASR) submitted to the Department for the Environment, Food and Rural Affairs (DEFRA) in July 2018. Portfolio holders have been briefed on this a number of times.

Air Quality is a national problem, the UK Government manages air quality through the LAQM process and Action Planning to comply with European Union air quality limits.

This report is part of a package of reports which deals with the issues facing the Council with regards to Air Quality - this report is required as a technical step to declare one AQMA. Other reports deal with more detailed issues such as Action Planning.

2. Information required to take a decision

Kirklees Council's 2018 Annual Status Report sets out the pollution monitoring Kirklees officers has undertaken to show that the area outlined below is subject to unacceptable levels of Air Pollution. The 2018 ASR can be found here: <http://www.kirklees.gov.uk/beta/crime-and-safety/pdf/kirklees-annual-status-report-2018.pdf>

We propose to declare 1 new AQMA (Appendix E - Air Quality Management areas, 2018 ASR). The new AQMA is as a result of exceedance of annual NO₂ objectives and the boundaries have been defined through the use of monitoring coupled with air quality modelling. The AQMAs are discrete areas within the following locations;

- Thornton Lodge

The boundaries of the AQMA is based on the monitoring Kirklees officers have undertaken and modelling of the extent of the pollution.

Declaration of AQMAs is a legal requirement where pollution levels have been shown to exceed the National Air Quality Objectives. The National Air Quality Objectives are the pollution limits set by Government to comply with European Union Directives on Air Quality and Health. As we have identified these areas as exceeding the pollution limits, we have informed Government and the public of this by publishing the 2018 Annual Status Report we are now obliged to declare the AQMAs.

The declaration of an AQMA is a positive step for the health of the residents of Kirklees as we have identified areas of the borough where there are unacceptable levels of pollution and we can then start the process of Action Planning to reduce the levels of pollution in these areas to acceptable levels.

Action Planning is the identification and carrying out of steps, locally within the AQMA, on a borough wide basis or regionally to have a positive impact on the air quality of the areas. Under the Guidance to Local Air Quality Management (LAQM) (laqm.defra.gov.uk/supporting-guidance.html) it is stated that Action Plans should be completed within 1 year from declaration, making the Thornton Lodge (AQMA 10) Action Plan due in June 2020. However, as officers have known for some time that a AQMA is required for Thornton Lodge, this area has been covered in the larger Action Planning exercise covering the 7 areas declared previously.

Therefore, it is anticipated that the Thornton Lodge Action Plan as part of the “Kirklees Council Five Year Air Quality Action Plan” will be submitted in July 2019.

3. Implications for the Council

3.1 Working with People

This report relates to a technical legal requirement. An alternative report deals with the actions which flow from the declarations such as the Air Quality Action Plan.

3.2 Working with Partners

As 3.1.

3.3 Place Based Working

This action relates to a single area where pollution has been identified by monitoring.

3.4 Improving outcomes for children

Air Pollution affects the health of young people. The Council is committed to identifying areas of poor Air Quality and taking actions to resolve this. This is a technical and legal step to do that.

3.5 Other (eg Legal/Financial or Human Resources)

The Council is under a legal duty to declare this Air Quality Management Area under the Environment Act 1995.

4. **Consultees and their opinions**

Ward Councillors have been invited to Engagement meetings about Air Quality in their Wards. Further follow up engagement with affected Ward Councillors will be conducted.

5. **Next steps and timelines**

On approval of delegated authority the legal orders will be signed and sealed as soon as practicable.

6. **Officer recommendations and reasons**

Discussed at Economy and Infrastructure Senior Leadership Team 2 April 2019 - agreed to take forward to Portfolio Briefing (meeting 15 April 2019).

To give delegated authority to Strategic Director (Economy and Infrastructure) to make the Thornton Lodge Air Quality Management Area Order (proposed AQMA 10).

Reasons – following monitoring and assessment of Nitrogen Dioxide levels in the Thornton Lodge area the outcome of which it was found that the level of Nitrogen Dioxide exceeded the National Objective. It is a legal duty under S83 of the Environment Act 1995 to declare an Air Quality Management Area in these circumstances.

7. **Cabinet portfolio holder's recommendations**

Cllr Naheed Mather and Cllr Peter McBride, received a verbal explanation of the need to declare an AQMA in Thornton Lodge, based on the outcome of monitoring the Council conducts and the Annual Status Report 2018, where the results are presented to Government - both Councillors were supportive of the action and agreed, that the report should proceed to Cabinet for a decision.

8. **Contact officer**

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9. **Background Papers and History of Decisions**

2018 Annual Status Report
<http://www.kirklees.gov.uk/beta/crime-and-safety/pdf/kirklees-annual-status-report-2018.pdf>

10. **Strategic Director responsible**

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