

# **Cherwell District Council**

## **Executive**

**5 September 2016**

### **Air Quality Update**

#### **Report of Public Protection Manager**

This report is public

#### **Purpose of report**

To update the Executive on progress with the draft Air Quality Action Plan for Banbury, Bicester and Kidlington prior to public and stakeholder consultation.

#### **1.0 Recommendations**

The Executive is recommended:

- 1.1 To note the current position on the review and assessment of air quality in Cherwell; and
- 1.2 To approve the draft Air Quality Action Plan for public and stakeholder consultation.

#### **2.0 Introduction**

- 2.1 Part IV of the Environment Act 1995 established the legislative framework for local air quality management. Under the Act, the Council has a statutory duty to review and assess air quality in the District against national air quality objectives and co-ordinate actions to improve air quality where exceedances are identified.
- 2.2 Local authorities have a duty to declare any area where an air quality objective is unlikely to be, or is not being met as an Air Quality Management Area (AQMA). Once an AQMA has been declared the Council is required to develop an Air Quality Action Plan (AQAP) outlining the measures required to improve air quality in that area.

#### **3.0 Report Details**

- 3.1 The review and assessment process identified nitrogen dioxide from road transport sources as the pollutant of concern in Cherwell. The review and assessment reports can be found on the air quality management page of the Council's website at [www.cherwell.gov.uk/airqualitymanagement](http://www.cherwell.gov.uk/airqualitymanagement).
- 3.2 The assessment reports confirmed the air quality objective for nitrogen dioxide was being exceeded at four locations in the District and AQMAs were subsequently declared for these areas. The AQMAs are at:

1. Hennef Way in Banbury
2. Horsefair/North Bar in Banbury
3. Bicester Road in Kidlington
4. Kings End/Queens Avenue in Bicester

- 3.3 The action plan has to be realistic and reflect the current priorities and resources available to the Council and the highway authority. At this stage all possible actions have been put forward for consideration and so some of the proposals are preliminary or relatively broad and will require further work before they can be quantified in terms of costs and benefits.
- 3.4 Tables 5.1 to 5.5 in the draft AQAP, attached as Appendix 1, show the actions for consideration. Table 5.1 shows the general measures that could apply to all four AQMA's and Tables 5.2 to 5.5 the measures specific to one of the AQMAs.
- 3.5 Measures to improve air quality both within the AQMAs and in areas located outside the boundaries of the AQMAs that may affect the AQMA will also need to be considered. Particularly relevant and a challenge here is the need to consider the effects of new development with increased traffic movements on air quality and how this plan can contribute to new developments. Commuters in Cherwell travel relatively long distances to work and therefore reducing travel by car, managing traffic congestion and maximising the opportunity to shift from car dependency to sustainable modes of transport are the key challenges which are recognised in the draft plan.
- 3.6 A Steering Group will be established to consider the proposals further and the first meeting will be arranged for October 2016. The Steering Group will also consider responses to the wider consultation which will take place from mid-September until the end of December 2016.
- 3.6 The final Air Quality Action Plan for the District with the proposed actions relevant to each AQMA is planned to be submitted for Executive consideration at its meeting on the 6 March 2017.

## **4.0 Conclusion and Reasons for Recommendations**

- 4.1 The production of an AQAP is mandatory once an order to declare an AQMA has been issued. The Council has issued an order for each of the four AQMAs declared.

## **5.0 Consultation**

- 5.1 As road transport sources are the cause of the problem in each AQMA, the AQAP will be developed in consultation with Oxfordshire County Council as the local Highways Authority. The Highways Authority is a statutory consultee.
- 5.2 Other statutory consultees include Defra (on behalf of the Secretary of State), Highways England, Environment Agency, Public Health England, Oxfordshire Public Health, and Neighbouring Authorities.
- 5.3 Bodies representing local business interests, Parish Councils and other relevant local interest groups will also be consulted on the draft AQAP. Information will be placed on the website and a press release issued to inform the wider community. Residents within the AQMAs will be sent a letter with details of the consultation and where to find relevant information.

- 5.4 Internally consultation will include Strategic Planning and the Economy, Community Services, Economic Growth and the Bicester Delivery Team. The Bicester delivery Team is particularly relevant given the many green transport initiatives proposed in the town.

## **6.0 Alternative Options and Reasons for Rejection**

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The Council could choose not to adopt an AQAP. However once an AQMA has been declared the Council is required to produce an AQAP and so for this reason this is not an alternative option.

## **7.0 Implications**

### **Financial and Resource Implications**

- 7.1 There are no financial implications arising directly from this report. The continuing review and assessment of air quality and the development of the AQAP will be met within existing budgets. The reference to air quality funding via new development planning agreements recognises that there will be competing requirements through this process and therefore this funding source is not guaranteed.

Comments checked by Kelly Wheeler, Principal Accountant (Operations and Delivery), 01327 322230, [kelly.wheeler@cherwellandsouthnorthants.gov.uk](mailto:kelly.wheeler@cherwellandsouthnorthants.gov.uk)

### **Legal Implications**

- 7.2 There is a statutory requirement to review and assess air quality and if an AQMA has been declared it is a requirement to produce an AQAP outlining the actions to improve air quality in that area.

Comments checked by Nigel Bell, Team Leader Planning & Litigation, 01295 221687 [nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

### **Risk**

- 7.3 There is an increase in risk to health to prolonged exposure to elevated levels of nitrogen dioxide. This risk is being managed through the service risk register and will be escalated if necessary to the corporate register.

Comments checked by Ed Bailey, Corporate Performance Manager, 01295 221605 [edward.bailey@cherwellandsouthnorthants.gov.uk](mailto:edward.bailey@cherwellandsouthnorthants.gov.uk)

## 8.0 Decision Information

### Key Decision

**Financial Threshold Met:** No

**Community Impact Threshold Met:** Yes

### Wards Affected

Banbury Grimsbury and Hightown  
Banbury Cross and Neithrop  
Kidlington East  
Bicester West  
Bicester East  
Bicester South and Ambrosden

### Links to Corporate Plan and Policy Framework

Fulfilling the statutory regulatory functions of the Council, supporting the protection of human health and wellbeing from poor air quality and protecting the natural environment link to the Council's Business Plan objective to 'work to promote and support health and wellbeing across the District'

### Lead Councillor

Councillor Tony Ilott, Lead Member for Public Protection

### Document Information

Appendix No	Title
Appendix 1	Draft Air Quality Action Plan
<b>Background Papers</b>	
2016 Annual Status Report (available on the air quality management page on the council website)	
<b>Report Author</b>	Trevor Dixon, Environmental Protection Manager
<b>Contact Information</b>	01327 322279 <a href="mailto:Trevor.dixon@cherwellandsouthnorthants.gov.uk">Trevor.dixon@cherwellandsouthnorthants.gov.uk</a>