

# **Cherwell District Council**

## **Executive**

**3 April 2017**

### **Air Quality Action Plan**

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

This report is public

#### **Purpose of report**

To approve the Air Quality Action Plan for Banbury, Bicester and Kidlington.

#### **1.0 Recommendations**

The meeting is recommended:

- 1.1 To approve the Air Quality Action Plan.
- 1.2 To note the feedback from the Overview and Scrutiny Committee.

#### **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.
- 2.3 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).
- 2.4 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

2.5 Consideration of this item was deferred at the 6 March 2017 Executive meeting to enable the report to go to the Overview and Scrutiny Committee to review prior to consideration by Executive. The report will be considered at the 27 March 2017 Overview and Scrutiny Committee meeting and feedback provided to the Lead Member for Public Protection.

### **3.0 Report Details**

3.1 The Executive considered the draft AQAP at its meeting on the 5 September 2016 and resolved that the draft AQAP be approved for public and stakeholder consultation.

3.2 Consultation on the draft AQAP was carried out from the 12 October 2016 to the 8 January 2017.

3.3 A Steering Group was set up with representatives from the Councils Environmental Protection, Planning Policy, Bicester Delivery and Communications Teams, and the Localities, Policies and Programmes Teams from the County Council. Two meetings were held to consider the draft AQAP and the responses received to the consultation.

3.4 The changes made to the draft AQAP are as follows:

- The requirement for major developments in or within 100 metres of an AQMA to be air quality neutral has been removed and will not be pursued; see Table A.1 in Appendix A of the AQAP.
- Measures included in the draft AQAP that are not being taken forward because there is currently no funding and/or commitment to develop them are shown Table 6.1 of the AQAP. These measures have been retained as measures which could improve air quality and will be reconsidered at each review of the AQAP.
- A measure covering air pollution and action measure awareness raising campaigns has been added; see measure G10 in Table 5.1 of the AQAP.
- Two measures specific to Bicester, the Satellite Catapult project and a school project using air quality sensors, which are being developed by the Bicester Delivery Team have been added to the measures for the Bicester AQMA; see measures 4.7 and 4.8 in Table 5.5 of the AQAP.

3.5 A copy of the agreed AQAP is attached as Appendix 1. Table 5.1 shows the general measures that would apply to all four AQMAs and Tables 5.2 to 5.5 the measures specific to one of the AQMAs.

3.6 The AQAP will be reviewed annually to check progress on the agreed actions but also to consider any additional measures that could be included.

## **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 Defra (on behalf of the Secretary of State), Oxfordshire County Council (as the local Highways Authority), Environment Agency, Public Health England, Oxfordshire Public Health, and Neighbouring Authorities were all consulted.
- 5.2 Information was placed on Cherwell District Council website and an online public survey set up that ran from the 12 October 2016 to the 8 January 2017. Consultees were invited to participate via links in press releases, the council website, emails, letters and social media releases. A letter drop was made to properties within, and close to the AQMAs to ensure they were aware of the consultation and the online survey.
- 5.3 A presentation was also given at a Bicester Traffic Advisory Group meeting at their request.
- 5.3 A copy of the text of the online consultation can be found in Appendix C of the AQAP. Over 100 responses were received and these can be found in Appendix D of the AQAP.

## **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.

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

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Air Quality Action Plan
<b>Background Papers</b>	
None	
<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>