

This report is public	
Air Quality Update	
Committee	Executive
Date of Committee	4 March 2024
Portfolio Holder presenting the report	Councillor Phil Chapman
Date Portfolio Holder agreed report	13 February 2024
Report of	Head of Regulatory Services and Community Safety, Tim Hughes

Purpose of report

To approve the updated Air Quality Action Plan and confirm the revocation of two Air Quality Management Areas.

1. Recommendations

The Executive resolves:

- 1.1 To revoke AQMA No.2 (Horsefair/North Bar, Banbury) and AQMA No.3 (Bicester Road, Kidlington).
- 1.2 To approve the Air Quality Action Plan 2024.

2. Executive Summary

- 2.1 The measured levels of nitrogen dioxide in two of the Air Quality Management Areas have been below the air quality objective of 40µg/m³ for the last five years. In accordance with the guidance from Defra these AQMAs should now be revoked.
- 2.2 Where an Air Quality Management Area has been declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an Air Quality Action Plan (AQAP) in place and for this to be reviewed every five years. The current AQAP, approved by the Executive on 6 March 2017, has been updated in consultation with partners and the revised document, Air Quality Action Plan 2024, is attached at Appendix 1 for consideration and approval.

Implications & Impact Assessments

Implications	Commentary

Finance	There are no financial implications for the Council 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. Kelly Wheeler, Finance Business Partner. 26 January 2024.			
Legal	There are no further legal considerations other than outlined in the report. Adrian Thompson, Principal Solicitor, Property. 29 January 2024			
Risk Management	There is an increase in risk to health to prolonged and continuous exposure to poor air quality. This risk is being managed through the service risk register and will be escalated if necessary to the Leadership register. Celia Prado-Teeling, Performance & Insight Team Leader, 31 January 2024.			
Impact Assessments	Positive	Neutral	Negative	Commentary
Equality Impact	X			There are no equalities and inclusion implications as a direct consequence to this report. Improving air quality across the district will have a positive benefit for all residents. Celia Prado-Teeling, Performance & Insight Team Leader, 31 January 2024
A Are there any aspects of the proposed decision, including how it is delivered or accessed, that could impact on inequality?				Not applicable
B Will the proposed decision have an impact upon the lives of people with protected characteristics, including employees and service users?				Not applicable
Climate & Environmental Impact	X			Air Quality and Climate Change are interlinked. Monitoring air quality and taking action to positively enhance it is important to the overall environment
ICT & Digital Impact				Not applicable
Data Impact				Not applicable
Procurement & subsidy				Not applicable

Council Priorities	Supporting Environmental Sustainability <ul style="list-style-type: none"> • Work with partners to improve air quality
Human Resources	Not applicable
Property	Not applicable
Consultation & Engagement	The following partners have been consulted on the Air Quality Action Plan: <ul style="list-style-type: none"> • Oxfordshire County Council Highways • Planning Policy • Environmental Services: Climate Action

Supporting Information

3. Background

- 3.1 Part IV of the Environment Act 1995 as amended by the Environment Act (2021), 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.
- 3.2 Where an air quality objective is unlikely to be, or is not being met an Air Quality Management Area (AQMA) must be declared. 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.
- 3.3 Four AQMAs have been declared in Cherwell for exceedances of the annual mean air quality objective for nitrogen dioxide. The AQMAs are at:
- AQMA No.1 - Hennef Way, Banbury
 - AQMA No.2 - Horsefair/North Bar, Banbury
 - AQMA No.3 - Bicester Road, Kidlington
 - AQMA No.4 - Kings End/Queens Avenue, Bicester
- 3.4 Nitrogen dioxide from road transport sources has been identified as the pollutant of concern in Cherwell. The Hennef Way AQMA remains the only area where nitrogen dioxide levels remain above the threshold level. This is primarily due to motor vehicle emissions. Opportunities to further reduce nitrogen dioxide levels in this area are limited due to Hennef Way being the main route from the M40 into Banbury.
- 3.5 The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA.

4. Details

- 4.1 Nitrogen dioxide levels are measured using diffusion tubes over a calendar year. The tubes are changed monthly and the results are used to calculate the annual mean for each site. The annual mean air quality objective for nitrogen dioxide against which the data is assessed is 40µg/m³.
- 4.2 In 2022 monitoring was undertaken using diffusion tubes at 42 locations across the district. The measured levels in the four AQMAs for 2022 and also the previous four years are shown in Table 1.

Table 1: Annual Mean Nitrogen Dioxide Monitoring Results (µg/m³)

AQMA	2018	2019	2020	2021	2022	Status
Hennef Way, Banbury	81.2	77.5	57.9	58.6	55.0	Red
Horsefair/North Bar, Banbury	38.7	38.6	30.0	30.4	33.7	Green
Bicester Road, Kidlington	37.9	33.6	26.6	26.6	28.1	Green
Kings End/ Queens Avenue, Bicester	41.9	41.5	34.5	34.9	32.6	Green

- 4.3 In AQMA No.1 (Hennef Way, Banbury) nitrogen dioxide concentrations continue to fall but still show exceedances of the annual mean objective level.
- 4.4 In AQMA No.2 (Horsefair/North Bar, Banbury) the measured levels have been below the objective for the last five years, and more than 10% below for the last three years. In accordance with the guidance from Defra this AQMA should be revoked.
- 4.5 In AQMA No.3 (Bicester Road, Kidlington) the measured levels have been below the objective for the last five years, and more than 10% below for the last four years. In accordance with the guidance from Defra this AQMA should be revoked.
- 4.6 In AQMA No.4 (Bicester) the nitrogen dioxide concentrations have continued to fall over the last five years and have been more than 10% below the objective for the last three years. If the 2023 and 2024 monitoring data show a similar trend the AQMA can be revoked.
- 4.7 Overall the nitrogen dioxide concentrations across the district in 2022 were broadly comparable to 2020 and 2021, with some minor reductions and some minor increases. None of the increases were disproportional to the measured increase in background levels around the district.
- 4.8 Councils are required to submit Annual Status Reports (ASR) to the Department of Environment, Food and Rural Affairs (Defra) by 30 June each year for their appraisal. The ASR includes a review and assessment of the previous year's monitoring data, and also an update on the actions in the AQAP.
- 4.9 The full monitoring data for 2022 can be found in the 2023 Air Quality Annual Status Report on the air quality management page of the Council's website at <https://www.cherwell.gov.uk/downloads/download/1069/air-quality-management>

- 4.10 At the time of writing the monitoring data for 2023 was not available because we are waiting for Defra to publish the 2023 bias adjustment factors to be applied. Laboratories use different gel mixes in the diffusion tubes and so the measured results have to be bias adjusted to account for this.

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- 4.11 The current AQAP was agreed by the Executive on 6 March 2017. Although the action table in the AQAP is updated annually with partners as part of the ASR submission to Defra, an updated AQAP, and not just the action table, must be submitted every five years.
- 4.12 Defra will not appraise AQAPs for AQMAs that have been in compliance for five years. The action measures that were specific to AQMA No.2 (Horsefair/North Bar, Banbury), and AQMA No.3 (Bicester Road, Kidlington) have therefore been removed from the AQAP.
- 4.13 Action measures for AQMA No.1 (Hennef Way, Banbury), and AQMA No.4 (Bicester) have been updated. The air quality data has been updated, and the source apportionment figures updated based on the latest traffic data.
- 4.14 The AQAP has been updated in consultation with partners and in particular Oxfordshire County Council Highways, Oxfordshire County Council Public Health and Community Safety, Environmental Services (Climate Action), and Planning and Development. The updated AQAP is attached at Appendix 1

5. Alternative Options and Reasons for Rejection

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

Option 1: To not revoke AQMA No.3 (Bicester Road, Kidlington) and AQMA No.2 (Horsefair/North Bar, Banbury). This option was rejected because local authorities are required to revoke AQMAs where there have been no exceedances of the relevant objective for the past five years.

Option 2: To not approve the Air Quality Plan 2024. This option was rejected because where there is an AQMA declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place (Environment Act 1995 as amended), and to review it every five years.

6 Conclusion and Reasons for Recommendations

- 6.1 In AQMA No.2 (Horsefair/North Bar, Banbury) and AQMA No.3 (Bicester Road, Kidlington) the measured levels of nitrogen dioxide have been below the air quality objective of $40\mu\text{g}/\text{m}^3$ for the last five years. The guidance from Defra is that revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective, and where there have been no exceedances

for the past five years, the AQMA should be revoked. The Executive are therefore recommended to approve the revocation of these two AQMAs.

- 6.2 Where an AQMA has been declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place and then review it every five years. The current AQAP, approved by the Executive on 6 March 2017, has been updated in consultation with partners and to reflect the latest monitoring and traffic data. The Executive are therefore recommended to approve the Air Quality Action Plan 2024.

Decision Information

Key Decision	No.
Subject to Call in	Yes
If not, why not subject to call in	Not applicable.
Ward(s) Affected	All

Document Information

Appendices	
Appendix 1	Air Quality Action Plan 2024
Background Papers	None
Reference Papers	None
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