

Report of the Portfolio Holder for Environment and Climate Change

UPDATE ON AIR QUALITY STATUS REPORT AND REVOCATION OF AIR QUALITY MANAGEMENT AREA (AQMA) 11. Purpose of Report

To advise Members of the response from the Department of Environment, Food and Rural Affairs (DEFRA) on this authority's latest Air Quality Annual Status Report (ASR) and to ask Members to revoke the Air Quality Management Area (AQMA) 1 in Trowell due to yearly Nitrogen Dioxide (NO₂) results being lower than the Air Quality Objective since 2016. The statutory air quality objective in England for Nitrogen Dioxide is 40µg/m³.

2. Recommendation

Cabinet is asked to NOTE DEFRA's feedback and RESOLVE that the revocation of Air Quality Management Area (AQMA) 1 be approved.

3. Detail

Local Air Quality Management (LAQM) is set out in Part IV of the Environment Act (1995) which places an obligation on all local authorities to regularly review and assess air quality in their area to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.

An Annual Status Report (ASR) is sent to Defra for approval. The report details the results from the previous year's monitoring, and any measures that have been implemented to improve air quality.

On 25 July 2023 Cabinet approved the 2023 Annual Air Quality Status Report. The Air Quality Action plan is now incorporated into the Air Quality Strand of the Climate Change and Green Futures Action Plan. This report contained the recommendation to revoke the remaining Air Quality Management Area (AQMA) pending approval by DEFRA.

DEFRA confirmed acceptance of Broxtowe's Annual Status report and their appraisal report is attached at Appendix 1. The response is very positive and confirms that the report overall is an example of good practice due to the required information and significant detail provided throughout. It confirms that Broxtowe should now move to revoke the remaining AQMA.

Broxtowe currently have one remaining Air Quality Management Area (AQMA). The Trowell AQMA, was declared in 2006, and encompasses 20 residential properties alongside the M1, and it was declared for exceedances of the annual

mean NO₂ air quality objective (AQO) of 40 µg/m³. The AQO was not exceeded in 2022, as the highest concentration recorded in the AQMA was 22.3 µg/m³ and the average concentration across all seven non-automatic monitoring sites located within the AQMA was 21.5 µg/m³.

Table 1 shows the NO₂ levels since 2012 to 2022. The results show that for seven consecutive years the AQO has been met within the AQMA in Trowell, and there has not been an exceedance of the AQO in the AQMA since 2015. Since 2017, the concentrations have been consistently below 36 µg/m³ (90% of the objective).

TABLE 1. NO₂ RESULTS FOR AQMA 1 IN TROWELL

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Site ID	NO ₂ Annual Mean Concentration (µg/m ³)										
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
18	-	-	-	-	34.3	32.9	28.2	28.4	17.9	22.3	21.5
19	42.2	38.7	38.1	42.3	37.6	37.2	31.9	30.9	22.9	23.8	22.3
58	-	-	-	-	-	-	-	-	24.8	27.6	20.7
59	-	-	-	-	-	-	-	-	20.1	20.8	20.3
61	-	-	-	-	-	-	-	-	-	-	21.8
62	-	-	-	-	-	-	-	-	-	-	21.6
63	-	-	-	-	-	-	-	-	-	-	22.1

In the 2023 ASR, the Council have stated that they will be revoking the remaining AQMA, but that we will continue to monitor NO₂ levels in this area, and work alongside National Highways to improve air quality levels, and that the Council will continue to review and implement measures stated within Table 2.2 of the 2023 ASR and future ASR's.

Defra's response to this statement is;

"This is in line with the LAQM Technical Guidance 2022 as keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (LAQM.TG22 Point 3.57, page 50).

After revocation of the AQMA BBC should continue to monitor for exceedances and should still have a local air quality strategy in place to

ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition.”

A revocation order has been attached.

4. Financial Implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications to consider with the ongoing air quality monitoring duties continuing to be met within existing resource.

5. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Section 83 (2) (b) of the Environment Act 1995 allows for the revocation of an AQMA by an Order, if it appears on review that the air quality standards and objectives are being achieved, and are likely throughout the relevant period to be achieved, within the designated area.

6. Human Resources Implications

There are no comments from the Human Resources Manager.

7. Union Comments

There are no Union comments.

8. Climate Change Implications

The comments from the Waste and Climate Change Manager were as follows:

Continued monitoring of air quality is essential for understanding and addressing its impact on climate change. The local air quality strategy has now been captured and integrated into the Climate Change and Green Futures programme. This will help to ensure that air quality monitoring continues after the revocation of the AQMA, allowing for the swift identification of any deterioration, which would prompt the deployment of mitigation strategies.

9. Data Protection Compliance Implications

This report does not contain any [OFFICIAL(SENSITIVE)] information and there are no Data Protection issues in relation to this report.

10. Key Decision

This is not a key decision.

11. Updates from Scrutiny

This has not been a topic for scrutiny.

12. Equality Impact Assessment

There are no changes to existing policies so an equality impact assessment is not required. The revocation of the remaining AQMA will benefit the occupiers and owners of the 20 properties within this area, that will no longer be located within a declared AQMA.

13. Background Papers

There were no background papers.