

DECISION NO:	<i>For Member Services use only</i>
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Concurrence No:	066429
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Action under delegated authority of Chief Executive	
Action under delegated authority of Director of Finance and Cabinet Member for Finance	
Action taken by Chief Executive in consultation with Cabinet Member(s)	X

Subject: Revocation of Air Quality Management Area (AQMA) 7

Signature and designation of officer(s) taking action:

<u>13/11/20</u> Chief Executive Date	<u>13/11/20</u> Director of Finance Date
	<u>13/11/20</u> Head of Finance Date

Name of Cabinet Member(s) Consulted:

I have been consulted and concur with the proposals set out below:

16/11/2020

Councillor David Holliday
 Cabinet Member for Environment

Signature: _____ Date: _____

Councillor
 Cabinet Member for

Signature: _____ Date: _____

Name of any member who has declared a conflict of interest in relation to this decision: _____

THIS DOCUMENT WILL BE PUBLISHED ON THE COUNCIL'S WEBSITE

The report overleaf sets out the decision to be taken, the reasons for the decision, and the details of alternative options, if any, considered and rejected.

Officer decisions are available for public inspection, both at the Borough Offices and on the Council's website. Officer decisions are kept for a period of six years at the Borough Offices and for six months on the website after the decision is made. Background papers are available for four years.

RECOMMENDED that:

The revocation of Air Quality Management Area 7 (AQMA) be approved.

Purpose

To revoke Air Quality Management Area 7 (AQMA).

Background

Under the Environment Act 1995 all lower tier local authorities are obliged to review and assess air quality in line with the Government's air quality strategy. The Department for Environment, Food and Rural Affairs (DEFRA) has the national lead, and closely supervises the work of local authorities in relation to their air quality duties.

The National Air Quality Strategy sets out objectives for certain pollutants and local authorities are required to ensure that these objectives are met. The objective level for nitrogen dioxide is $40\mu\text{gm}^3$ (micrograms per cubic meter) measured as an annual mean.

The Borough of Broxbourne currently has five AQMAs, one which was declared in 2004, two which were declared in 2016 and a further two which were declared in 2017.

Revoking an Air Quality Management Area (AQMA)

Section 4.9 of Local Air Quality Management (LAQM) Policy Guidance PG16 (April 2016) states, *"For revocation this should demonstrate that air quality objectives are being met and will continue to do so. In other words they should have confidence that the improvements will be sustained. Further information is provided in the Technical Guidance, but typically this is after three years or more compliance."*

In instances where compelling evidence exists, detailed modelling to support the decision to amend or revoke an AQMA may not be necessary and an AQMA may be amended or revoked on the basis of robust monitoring evidence.

The Air Quality objective for nitrogen dioxide at AQMA 7, High Road in Wormley (A1170) has been complied with over the last five consecutive years. In the light of continued compliance, it is proposed that this AQMA is revoked.

Financial, Legal and Risk Management Implications

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.

Further to obtaining five and three consecutive years of compliant monitoring data within diffusion tube locations BB12 and BB43-BB46 respectively, the Borough of Broxbourne proposed to revoke AQMA 7 within the 2020 ASR.

Following submission of the 2020 ASR the Council received its Appraisal Report from Defra, who provided the following comments with respect to the Council's intention to revoke AQMA 7.

“The Council intend to apply for revocation of AQMA 7 during 2020 as a result of compliance with the annual mean objective for NO₂ since 2015. This action is supported.”

Next steps

A revocation order that has been drafted for AQMA 7 will be sent to Defra. A copy of the signed Revocation Order will then be uploaded to the Council's air quality website page and submitted to the Local Air Quality Management Report Submission Website.

Alternative Options Considered and Rejected

There are no alternatives to consider as AQMA 7 is in compliance with the Air Quality Objectives for nitrogen dioxide.

Contribution to the Council's Objectives

Improving air quality is in keeping with the Council's Corporate Objective:

Sustainable Living in an Attractive Environment:

No: 7 - Take action to improve air quality.

Conclusion

In the light of sustained compliance, it is recommended to revoke AQMA 7

Air Quality Management Area 7



BROXBOURNE BOROUGH OFFICES
CHURCHGATE
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Location

Between the junctions of New Road/Springfields & West Side/The Spring

Title

AQMA 7: High Road in Wormley (A117)

SB/CG

Scale: 1/8500

Date: 26/1/2017

Centre: 536466.44 , 206283.08

Contact Officer: Craig Gent

Ext: 5729

Date: 20/10/2020

Action reported to the Cabinet on: