



## North Devon Council

### **Title of Decision Requested: Revocation of Braunton AQMA No1**

Decision requested by decision maker: To authorise the Head of Environmental Health and Housing to take necessary steps to revoke the Braunton Air Quality Management Area No1 and to develop an Air Quality Strategy for the district.

#### 1. BACKGROUND / REASONS FOR THE DECISION REQUEST

- 1.1. The results of routine air quality monitoring undertaken throughout the District of North Devon have confirmed that North Devon District Council (NDDC) has now to revoke the "Air Quality Management Area" (AQMA) in Braunton.
- 1.2. The purpose of this report is to explain what this revocation means, as well as briefly explaining why NDDC has to revoke the AQMA. It is important to explain how the Council will continue to reassure the public that air quality is a priority for the Council and the benefits of a new Air Quality Strategy for the whole district.
- 1.3. A report was due to be submitted to Strategy and Resources Committee in June but this meeting was cancelled. Due to the requirements to submit a revised Air Quality Action Plan and the Annual Status report to Defra in June, an urgent decision is required.
- 1.4. Technical guidance LAQM TG22 issued by DEFRA, provides details on revocation of an AQMA, where concentrations fall below the relevant objective, or below  $36\mu\text{g}/\text{m}^3$  (i.e. 10% of the  $\text{NO}_2$  annual mean objective) for passive  $\text{NO}_2$  monitoring, for three consecutive years, the Local Authority should submit a revised Order to revoke the AQMA.
- 1.5. Following a revocation of an AQMA the Council will be required to prepare a local Air Quality Strategy. The Council will be able to develop a district wide strategy that encompasses wider environmental objectives, such as carbon reduction and also consider other pollutants, such as particulates.
- 1.6. The Air Quality Strategy for England, Scotland, Wales and Northern Ireland sets our air quality standards and objectives to be achieved for a number of pollutants. The standards are based purely on medical evidence of the effects of the particular pollutants on health and are based on the advice of the Expert Panel on Air Quality Standards (EPAQS) or upon EU limit values derived from World Health Organisation (WHO) guideline values.

- 1.7. The role the local authority in the Local Air Quality Management (LAQM) process, is to make a judgement on whether or not the standards in relation to each of the pollutants identified are likely to be met in their district. This has been undertaken through a network of passive Nitrogen Dioxide monitoring. The results of this monitoring are calibrated against continuous monitoring stations, to ensure the results are robust.
- 1.8. The only pollutant which NDDC has measured has been Nitrogen Dioxide (NO<sub>2</sub>) - mainly because of the scientifically proven direct relationship Nitrogen Dioxide levels have with traffic. Although the impact of particulates (diesel fumes etc.) are noticeable on occasions during peak traffic, the criterion is high and these levels are not likely to exceed the annual and hourly exceedance levels.
- 1.9. The results of this monitoring are reported annually to the Department of the Environment and Rural Affairs (DEFRA), by way of the submission of an Annual Status Report (ASR) and an Air Quality Action Plan for the AQMA.
- 1.10. The annual results have shown a steady decrease in Nitrogen Dioxide levels in Braunton since the original declaration in 2011. This reduction is primarily due to advances in vehicle technology, the switch to electric and hybrid vehicles, as changes in work patterns following the pandemic.
- 1.11. The annual status report 2023, which looks at 2022 data, showed the levels were more than 10% below the air quality objective and had been for the previous 3 years. Although the technical guidance states the Council's should consider revoking an AQMA where three consecutive years, are more than 10% below the objective level, DEFRA recognise that during the pandemic levels would have reduced and are therefore discounted. Despite this the levels were already more than 10% below before the pandemic and subsequent lockdowns. The draft data for 2024 shows that the level continues to fall, with now over 5 years more than 10% below the relevant air quality objective (AQO) level.

| Monitoring Year | Result   | Air quality Objective |
|-----------------|--|-----------------------|
| 2023            | Raw Mean: 30.3 µg/m <sup>3</sup> ; Annualised Mean: 24.5µg/m <sup>3</sup>  | Below 10%             |
| 2022            | Raw Mean: 31.0 µg/m <sup>3</sup> ; Annualised Mean: 26.4 µg/m <sup>3</sup> | Below 10%             |
| 2021            | Raw Mean: 32.4 µg/m <sup>3</sup> ; Annualised Mean: 27.2 µg/m <sup>3</sup> | Below 10%             |
| 2020            | Raw Mean: 31.8 µg/m <sup>3</sup> ; Annualised Mean: 26.4 µg/m <sup>3</sup> | Below 10%             |
| 2019            | Raw Mean: 33.4 µg/m <sup>3</sup> ; Annualised Mean: 31.1 µg/m <sup>3</sup> | Below 10%             |

- 1.12. Paragraph 3.57 of DEFRA technical guidance states “There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.”
- 1.13. North Devon District Council is not alone and many Council’s that had declared an AQMA are now finding that they are required to revoke the Orders, especially where the initial exceedance was marginally above the objective level, as it was in NDDC area.
- 1.14. DEFRA recognise that revoking an AQMA may raise public and Member concerns in that the focus on improving air quality can be lost if an AQMA is removed. As a result Councils are required to develop an Air Quality Strategy for the area, after revoking an AQMA.
- 1.15. Removing an AQMA can have positive benefits to the area. Property values are likely to be depressed when in an AQMA, which has knock on effects on deprivation, regeneration and a general feeling about an area. As the AQMA focused on Nitrogen Dioxide this did not address the general concerns on particulates or other pollutants.
- 1.16. As Nitrogen Dioxide is primarily generated from traffic there was limited actions that NDDC can take to further improve air quality, as this is a County function. NDDC’s action were limited to planning and minor improvements through consultation.
- 1.17. As part of the declaration of an AQMA the Council had developed an Air Quality Action Plan, which was due to be revised in 2023. However, due to the previous 4 years monitoring data and the likely need to revoke the AQMA, the Council sought an extension of submitting the revised Action Plan until May 2024. As the cost and time of producing an action plan would be better spent in developing a comprehensive air quality strategy.
- 1.18. The Council will need to effectively communicate the reasoning behind the revocation of the AQMA and seek public engagement in the development of a district wide air quality strategy. This is an excellent opportunity to link air quality to other Council priorities on sustainability and carbon reduction.
- 1.19. The Council will still be required to submit an annual status report to DEFRA each year and continue to monitor air quality throughout the district. Environmental Health will review the monitoring strategy to align with the goals and objectives of the air quality strategy. The levels and general downward trend in Nitrogen Dioxide in Braunton means it is unlikely that there would be a need to declare this area again in the future.

## 2. FINANCIAL IMPLICATIONS:

- 2.1. None



3. ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED?

3.1. If an urgent decision is not approved the Council could request a further extension to the date for the Air Quality Action Plans and Annual Status Report, until after the next committee meeting. Given the previous extension and the confirmation of the Nitrogen Dioxide level being greater than 10% below the exceedance levels for 5 years Defra may not accept a further extension and issue a 'Ministerial Direction'.

4. ANY CONFLICT OF INTEREST DECLARED?

4.1. None

5. DISPENSATION IF GRANTED

5.1. None

6. BACKGROUND PAPERS

The following background papers were used in the preparation of this request (The background papers are available for inspection and kept by the author):

6.1. Air Quality – Annual Status Report 2023

7. CONSULTATION UNDERTAKEN:

7.1 None

8. OFFICER REQUESTING DECISION TO BE TAKEN: Darren Hale, Lead Environmental Health Officer (Environmental Protection and Built Environment)

9. NAME OF DECISION TAKER: Ken Miles: Chief Executive

10. DATE DECISION TAKEN: 29/5/24

11. APPROVED BY DECISION TAKER: Yes

12. DECISION TAKER'S COMMENTS:

I am approving the revocation of the AQMA given the decrease in levels outlined and the fact that there have been 5 years of compliance, after considering the report and the guidance referred to.