

Title: Air Quality Management Area (AQMA) Revocations
Lead Officer: Frances Taylor & Jack Clifford, Environmental Protection team, Pollution@warwickdc.gov.uk
Wards of the District directly affected: All

Approvals required	Date	Name
Portfolio Holder	16/01/24	Cllr Sinnott
Finance	08/01/24	Betty Gong
Legal Services	7/1/2024	Ross Chambers
Chief Executive	3/1/2024	Chris Elliott
Director of Climate Change	08/01/24	Dave Barber
Head of Service(s)	08/01/24	Marianne Rolfe
Section 151 Officer		Andrew Rollins
Monitoring Officer	09/01/24	Graham Leach
Leadership Co-ordination Group		
Final decision by this Committee or rec to another Cttee / Council?	No Recommendation to: Council	
Contrary to Policy / Budget framework?	No	
Does this report contain exempt info/Confidential? If so, which paragraph(s)?	No	
Does this report relate to a key decision (referred to in the Cabinet Forward Plan)?	Yes, Forward Plan item 1,418 – scheduled for 8 February 2024)	
Accessibility Checked?	Yes	

Summary

The purpose of this report is to recommend the revocation of the long-term compliant air quality management areas (AQMA) in Warwick District following instruction from the Department for Environment, Food and Rural Affairs (Defra). Defra have provided advice on which AQMA meet these criteria:

1. AQMA No.4 Warwick Road, Kenilworth
2. AQMA No.5 New Street, Kenilworth
3. AQMA No.7 Coventry Road, Warwick

Recommendation

That Cabinet recommends to Council the revocation of the No.4 Warwick Road, Kenilworth, No.5 New Street, Kenilworth and No.7 Coventry Road, Warwick AQMA.

1 Reasons for the Recommendation

- 1.1 Local authorities have a duty under the Environment Act 1995 to monitor the quality of air within their administrative areas. They must also prepare and implement Air Quality Action Plan (AQAP), produce annual air quality status reports, and designate special Air Quality Management Areas known as AQMA where pollutants exceed prescribed UK objectives.
- 1.2 Warwick District Council currently has five designated AQMA, which were introduced because of elevated annual average concentrations of nitrogen dioxide (NO₂). The AQMA include Warwick Town Centre, Coventry Road (Warwick), Leamington Spa (Bath st, High st) and two AQMA in Kenilworth. (See appendix 1 for maps of the AQMA's)
- 1.3 DEFRA has now instructed local authorities that the revocation of an AQMA should be considered following three consecutive years of compliance, with NO₂ annual average of 36µg/m³ or less which is at least 10% below the air quality objective at the point monitored.
- 1.4 Unless a likely exceedance has been identified in the AQMA area, DEFRA has advised that they will not appraise AQAPs for AQMA that have been in compliance for five years.
- 1.5 Where the results for 2020 and 2021 are a continuation of a downward trend and part of many consecutive years of compliance (e.g., where compliance with the objective was met prior to the pandemic that exaggerated air quality improvements) the AQMA may be appropriate for revocation.
- 1.6 DEFRA has therefore directed we must revoke the long-term compliant AQMA. For WDC, this includes the two Kenilworth AQMA (compliant for 5 years) and the Warwick Coventry Road AQMA, (compliant for 4 years).
- 1.7 A detailed assessment report undertaken by officers indicates a consistent improvement in air quality that is projected to continue in all Warwick District AQMA.
- 1.8 Failure to revoke these compliant AQMA will result in Defra refusing to accept any updated AQAP which includes these 3 AQMA and our other AQMA. AQAPs

are required to be updated every five years or will lead to the Council being directed to do so by the Secretary of State

- 1.9 A detailed assessment has been undertaken to observe the trends of the air quality management areas to justify revocation (see appendix 1)

2 Alternative Options

- 2.1 In theory, it is understood that Cabinet could choose not to recommending revoking the AQMAs as instructed. This will result in Defra rejecting the Warwick District AQAP update. This in turn will result in an instruction from the Secretary of State to submit an AQAP for Warwick District. Therefore, this alternative has been discounted. An annual review for revoking retained AQMA's will occur as air quality is monitored.

3 Legal Implications

- 3.1 The process for revocation is defined in Air Quality Technical Guidance 22. The local authority must publish its intention to revoke an AQMA and must publish its Revocation Order, this can be done on the Councils website. A local authority should then submit its justification to DEFRA or the appropriate Devolved Administration (including the Greater London Authority GLA).
- 3.2 Section 83, Environment Act 1995 describes the Designation of AQMAs. It states that where the result of an air quality review shows that the air quality standards or objectives are not being achieved or are not likely to be within a defined time period (31 December 2005) then a local authority will designate that area as an AQMA. Warwick District Councils, Scheme of Delegation (HCP 42) outlines that the delegation for section 83 is an officer function, following consultation with a solicitor acting for the Council and relevant Portfolio Holder.
- 3.3 The legislation goes on to define that on subsequent reviews, Councils can revoke an AQMA if the air quality standards or objectives are being met and are likely to remain met during a defined period of three years.
- 3.4 In section 85 of the same legislation, the powers of the Secretary of State are defined. The Secretary of State can give direction when it appears that the local authority are not monitoring or achieving air quality standards, are not conducting the duties imposed on them, that the actions being taken by the local authority are not appropriate to the circumstances etc.
- 3.5 The direction could be but isn't limited to: undertake an air quality review, designate air quality management areas, revoke or modify air quality management areas, prepare AQAP and instruct actions to be taken as defined in the AQAP.

4 Financial Services

- 4.1 There are no financial implications other than the publication of the revocation order on the council website.
- 4.2 It is proposed that the current monitoring devices be reallocated to other suitable sites throughout the District by Environmental Health Officers. Some monitoring equipment will be left in situ in the current AQMAs to continue to monitor overall

trends in air quality. There is no additional cost as this task can be undertaken with existing resources.

5 Corporate Strategy

- 5.1 Warwick District Council has adopted a Corporate Strategy which sets three strategic aims for the organisation.
- 5.2 Delivering valued, sustainable services – The reduced number of AQMAs provides an opportunity to target resources on those areas with a continued need. This in turn provides opportunities to develop innovative approaches and actions to continue to address air quality improvement in the district.
- 5.3 Low cost, low carbon energy across the district – This report has no impact on energy generation for council buildings or private homes.
- 5.4 Creating vibrant, safe and healthy communities of the future – The direction to revoke AQMAs indicates that air quality has improved.

Poor air quality is linked to various health issues, including respiratory problems, heart diseases, and more. By improving air quality, it has been shown to lead to reduced instances of these health concerns and contribute to overall improved health for residents.

6 Environmental/Climate Change Implications

The strategic removal of certain AQMAs, owing to sustained compliance with air quality standards, aligns with the ambitions outlined in the Climate Emergency Action Plan. Ambition 2 - Low Carbon South Warwickshire 2030. This reduction in AQMAs directly reflects diminishing local emissions, offering a substantial contribution to the overarching goal of curbing net carbon emissions.

7 Analysis of the effects on Equality

- 7.1 There are no identified impacts on protected characteristics by this report's recommendations.

8 Data Protection

- 8.1 There are no identified data protection matters identified by this report's recommendations.

9 Health and Wellbeing

- 9.1 The proposal to revoke long-term compliant AQMAs carries both positive and potentially concerning health and well-being implications. On the positive side, sustained compliance leading to the revocation indicates a significant improvement in air quality, potentially resulting in reduced respiratory issues, cardiovascular diseases, and other health conditions associated with poor air quality. This improvement could contribute positively to the overall well-being of residents, fostering a healthier living environment. The negative impacts could be a reduction in improvements due to a reduced focus on revoked areas.

10 Risk Assessment

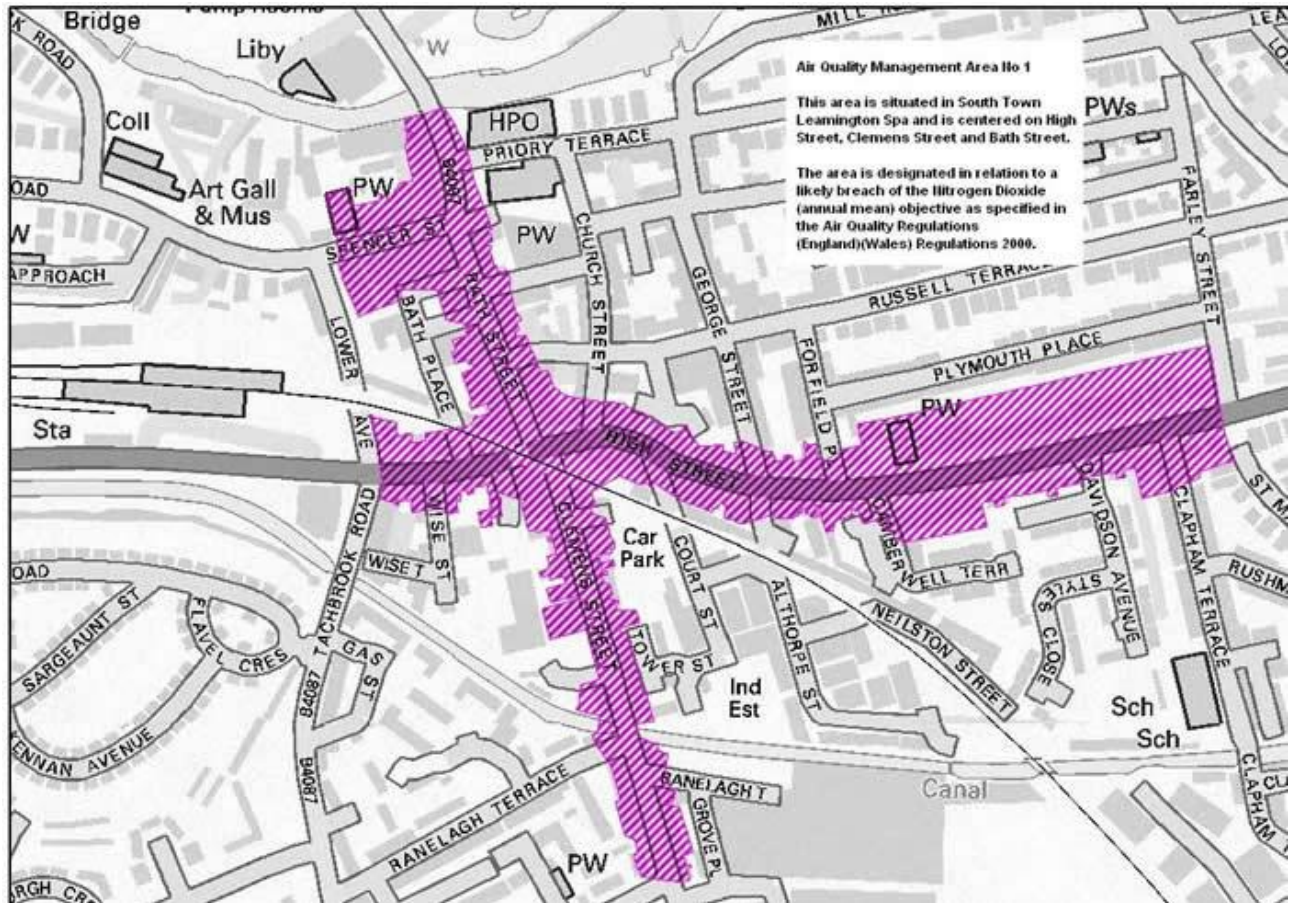
- 10.1 There is a risk of air quality deterioration due to the reduced focus on revoked areas. However, the likelihood of this is low as officers will continue to monitor air quality in revoked areas. This will sustain vigilance over air quality, ensure continuous improvement and consistent compliance with air quality standards.
- 10.2 In addition, environmental agencies and local stakeholders will continue to collaborate to maintain a proactive stance on pollution reduction strategies. Coupled with the regular public awareness campaigns which emphasise the ongoing commitment to air quality improvement despite the removal of AQMA designation, encouraging community involvement and support.
- 10.3 The above risk also carries the potential for health hazards resulting from reduced Air Quality Standards adherence. The links between poor air quality and health are well documented.
- 10.4 Officers will conduct regular audits and assessments to ensure ongoing compliance and pre-emptively address any deviations. Officers continue to foster partnerships with legal experts and environmental regulatory bodies to stay updated on evolving standards and mitigate any potential legal ramifications resulting from non-compliance.
- 10.5 There may be a risk of community mistrust and perception of neglected environmental health. Officers ensure that there are transparent communication channels with the community, regularly updating them on ongoing air quality improvement measures.

Background papers:

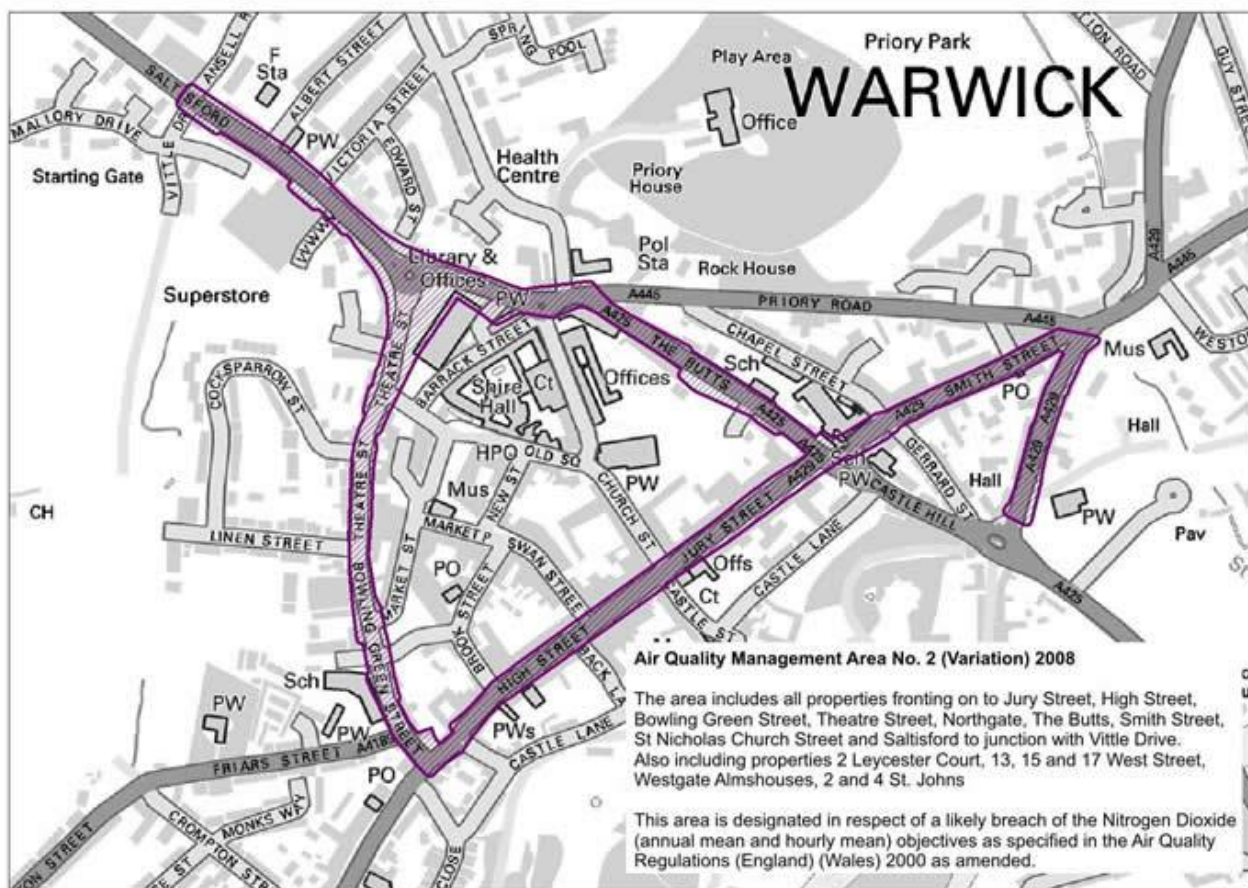
Local Air Quality Management Technical Guidance (TG22)

Appendix 1

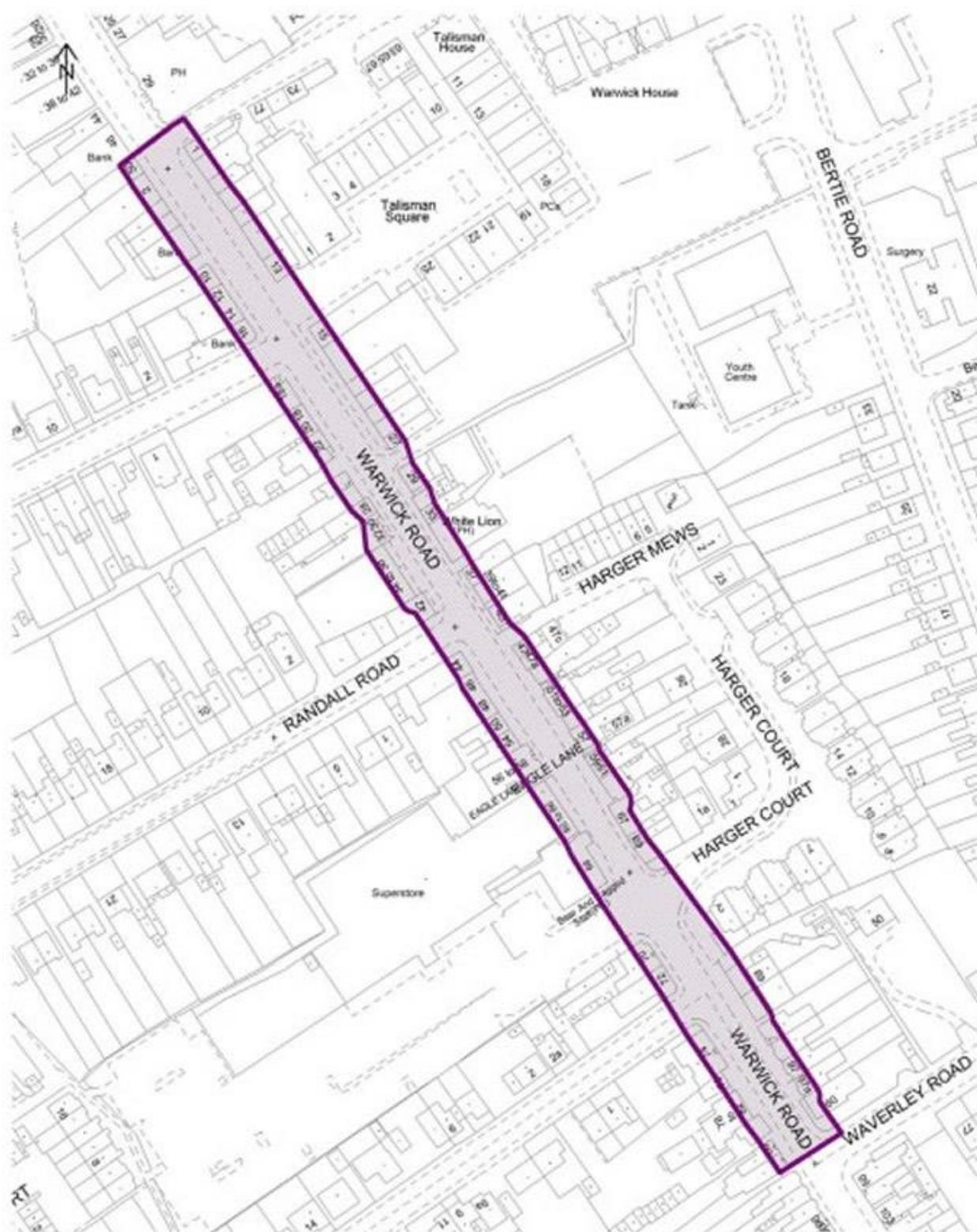
AQMA Maps



10.6



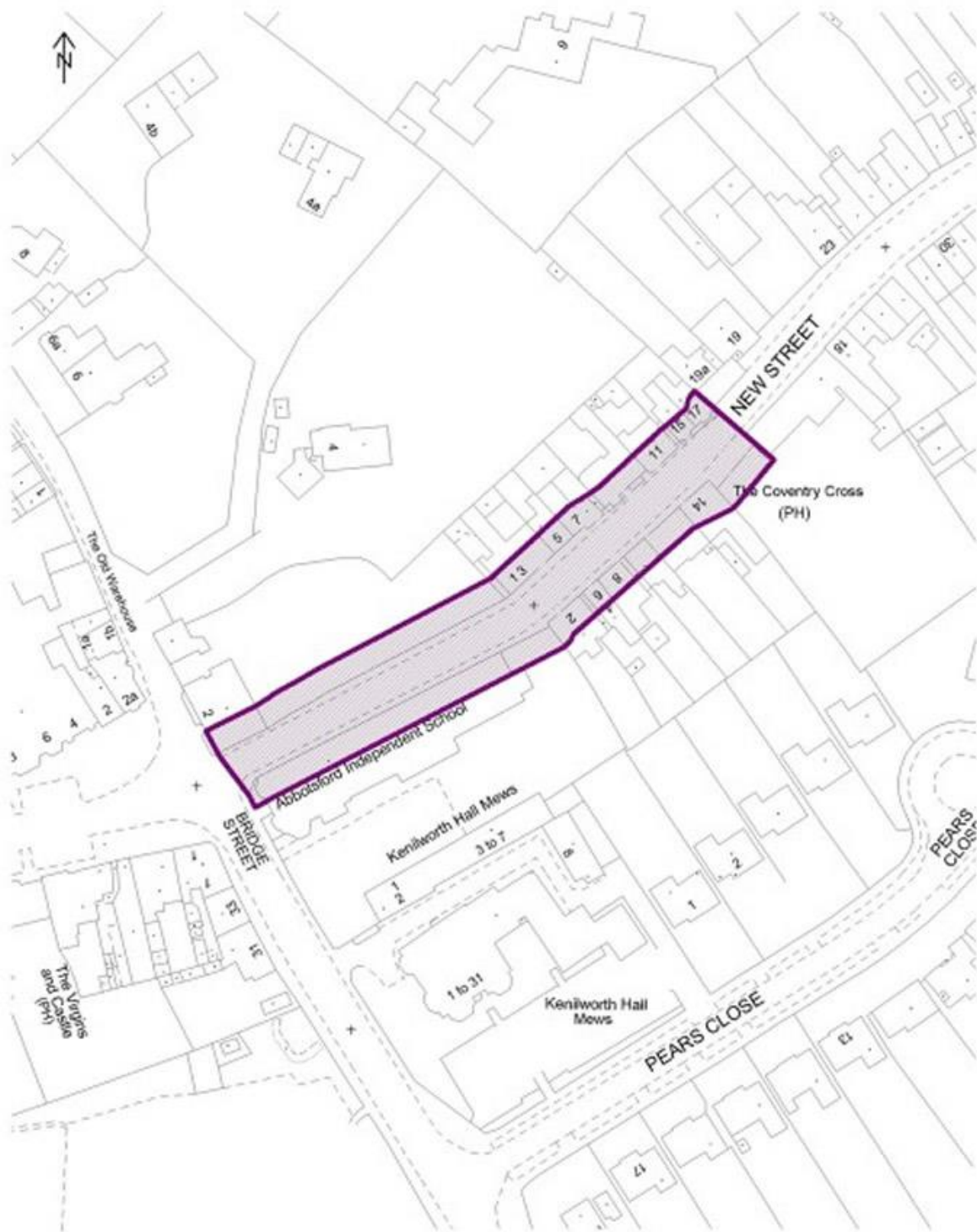
10.7



Air Quality Management Area No. 4 (Warwick Road, Kenilworth) 2008

This area includes all properties fronting onto Warwick Road from the junction of Station Road to the junction with Waverley Road.

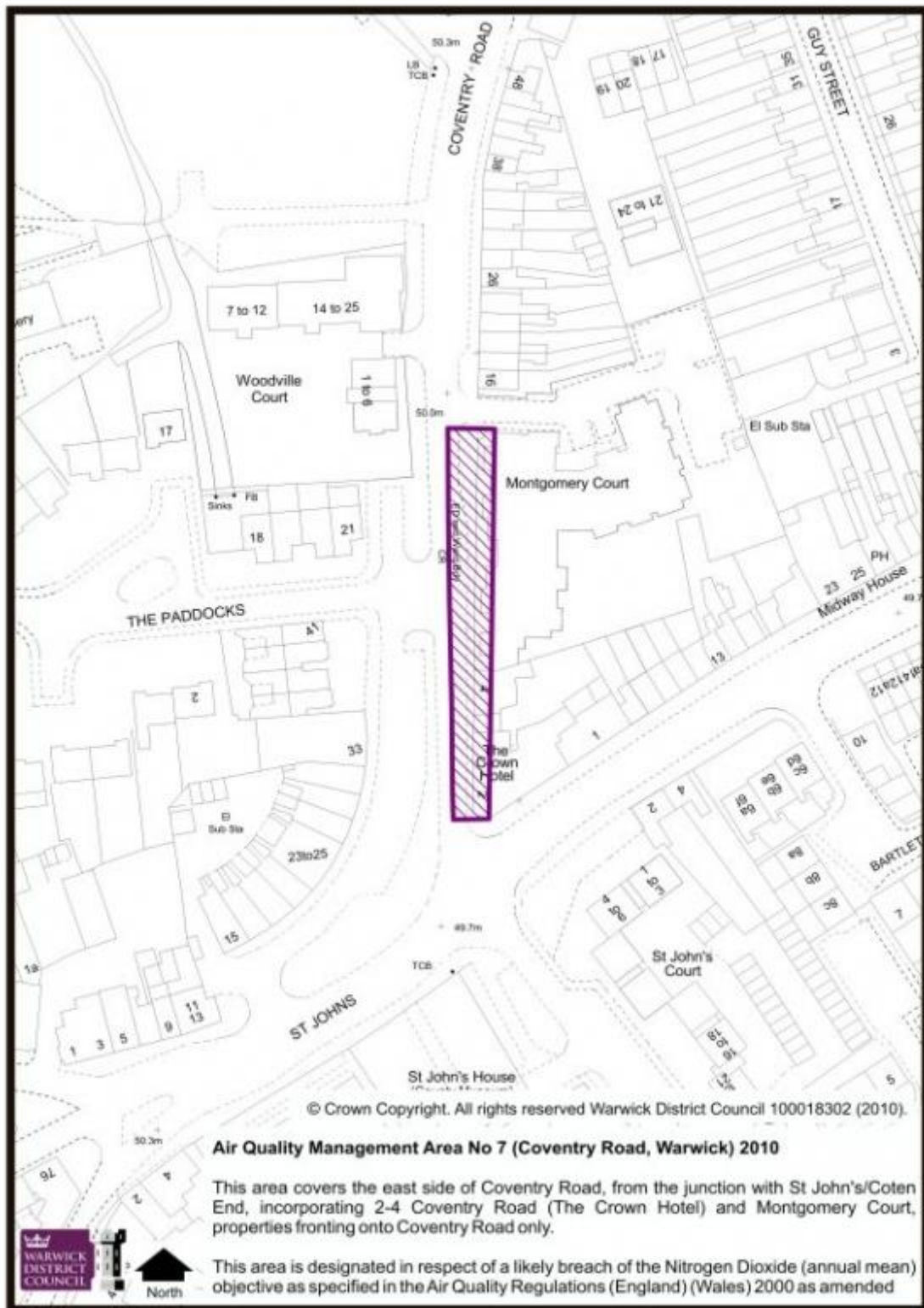
This area is designated in respect of a likely breach of the Nitrogen Dioxide (annual mean) objective as specified in the Air Quality Regulations (England) (Wales) 2000 as amended.



Air Quality Management Area No. 5 (New Street, Kenilworth) 2008

This area includes all properties fronting onto New Street from the junction of Bridge Street / Fieldgate Lane up to and including N°. 17.

This area is designated in respect of a likely breach of the Nitrogen Dioxide (annual mean) objective as specified in the Air Quality Regulations (England) (Wales) 2000 as amended.



Appendix 2

AQMA Detailed Assessment

11 Revocation of an AQMA

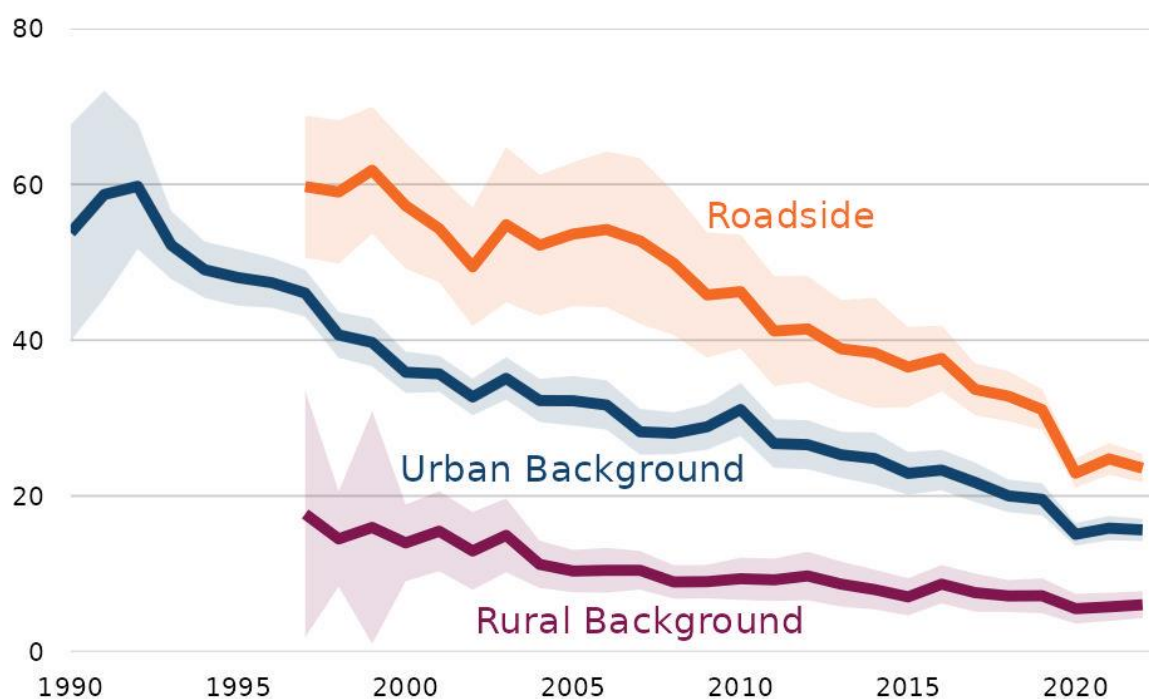
11.1 The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where NO₂ monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO₂ concentrations being lower than 36µg/m³ (i.e. within 10% of the annual mean NO₂ objective). There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.

National trends in NO₂

11.2 National trends

11.3 The NO₂ index shows the annual mean, averaged over all included sites that had annual data capture greater than or equal to 75%. The shaded areas represent the 95% confidence interval for the annual mean concentration for roadside sites, urban background sites and rural background sites. The intervals narrow over time because of an increase in the number of monitoring sites and a reduction in the variation between annual means at monitoring sites for NO₂.

Annual mean concentration of NO₂(µg/m³)



11.4 Methodology of evaluation

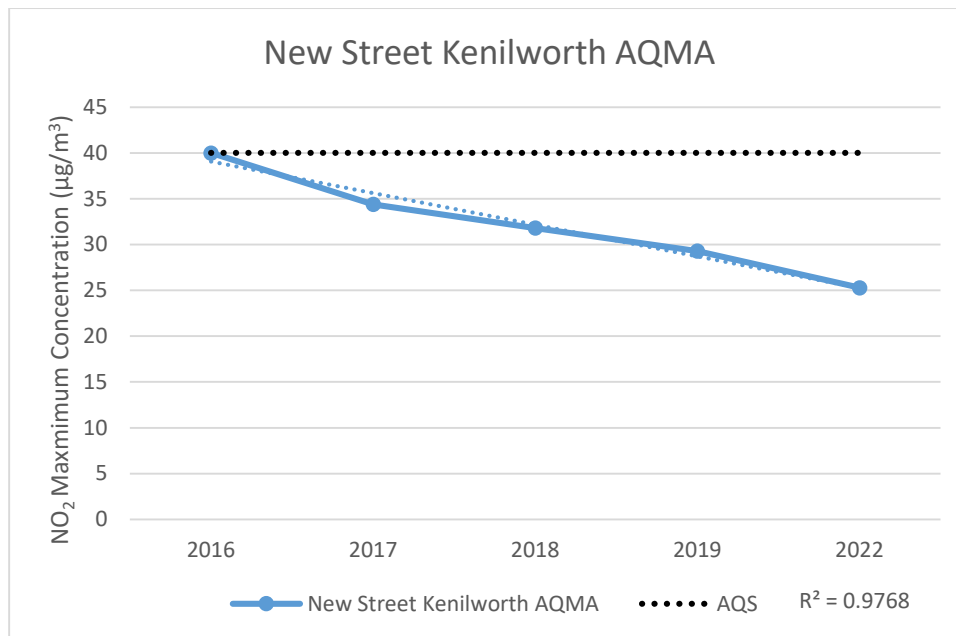
AQMA	2016	2017	2018	2019	2020	2021	2022
Warwick Coventry Road	44	46.4	37.4	34.7	29	31.6	35.8

Warwick Road (Kenilworth) AQMA	37.5	37.3	32	28.8	23.1	21.6	24.7
New Street Kenilworth AQMA	40	34.4	31.8	29.3	22.9	23.8	25.3
Leamington Spa AQMA	50.4	55.4	46.4	45.8	36.8	37.2	42.5
Warwick AQMA	46.6	50.2	39.8	40.9	31.4	31	34.4

11.5 All Air Quality Management Areas (AQMA) were initially designated based on the NO₂ annual mean objective. Notably, the Warwick AQMA received additional designation based on the NO₂ 1-hour mean, and this aspect is duly integrated into the data assessment for the Warwick AQMA. The data set comprises maximum annual NO₂ measurements for all AQMA, providing a comprehensive overview of pollutant levels. To ensure the accuracy and reliability of data trends, the years 2016 and 2017 have been included for analysis. This inclusion is particularly pertinent as 2020 and 2021 exhibited anomalous air quality conditions attributed to the COVID-19 pandemic, thereby enhancing the overall quality of our data assessment.

12 New Street Kenilworth

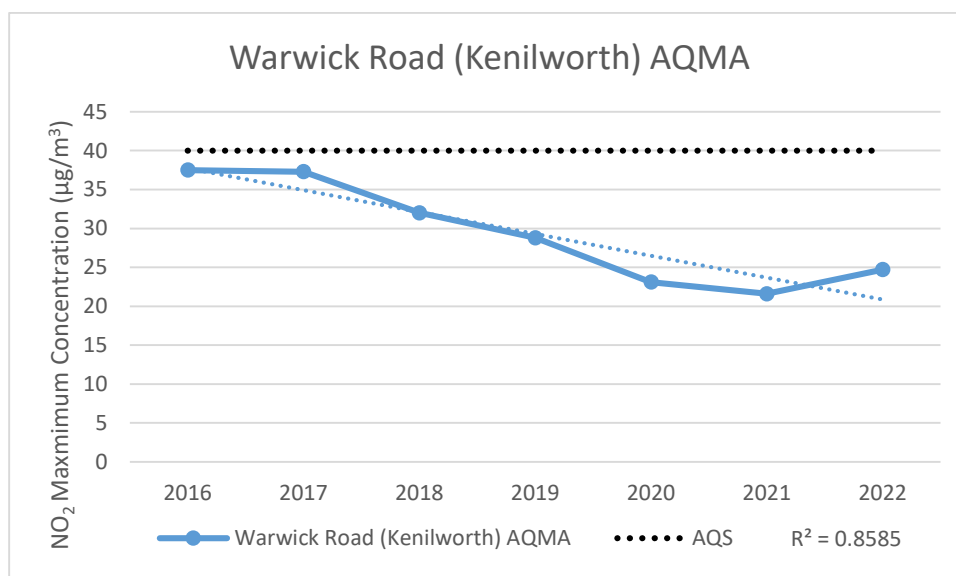
- 12.1 The New Street Kenilworth Air Quality Management Area (AQMA) was officially designated in 2008. At that time, it was in compliance with the established air quality objectives, although its declaration primarily served as a precautionary measure. Since its establishment, New Street Kenilworth has consistently adhered to Air Quality objectives.
- 12.2 Projections indicate a robust correlation suggesting a sustained decline in the maximum concentration within this AQMA. The likelihood of future exceedances of air quality standards is minimal, given the positive trend. Consequently, there is a compelling rationale for considering the revocation of this AQMA, as it no longer presents a significant air quality concern to warrant its continued designation.
- 12.3 Removing the years 2020 and 2021 as outliers due to the COVID-19 Pandemic's influence on travel shows an even stronger trend in reduction.



12.4

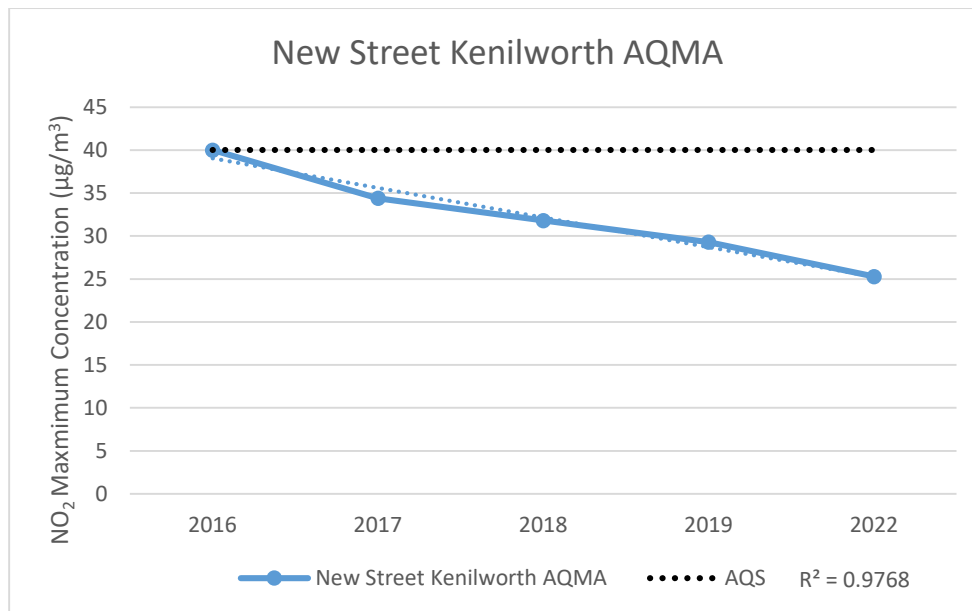
13 Warwick Road Kenilworth

13.1 Warwick Road Kenilworth has consistently maintained compliance with Air Quality objectives for a period exceeding five years. An evident and robust correlation indicates that the maximum concentration within this Air Quality Management Area (AQMA) is likely to continue its downward trend. The prospects of future exceedances of air quality standards appear highly improbable.



13.2

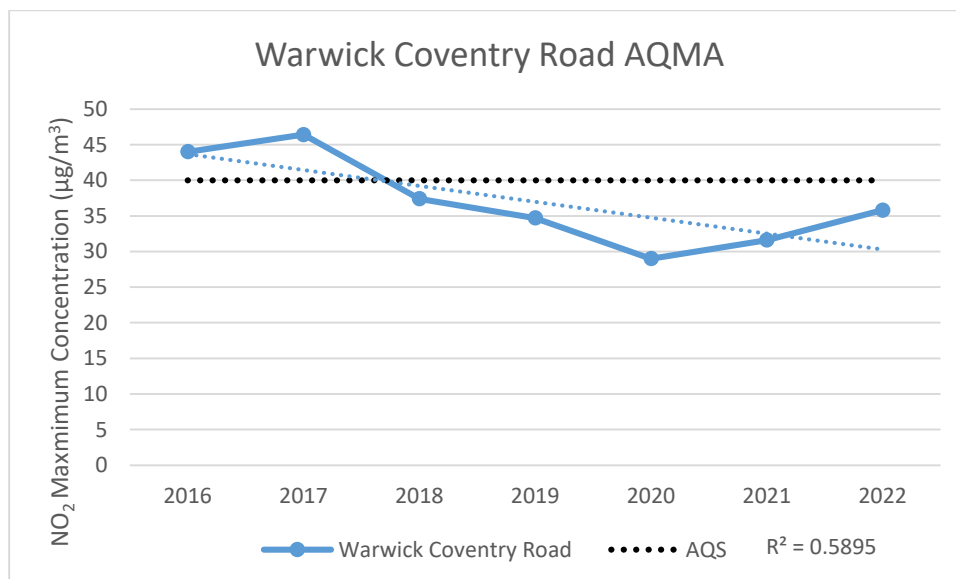
13.3 Removing the years 2020 and 2021 as outliers due to the COVID-19 Pandemic's influence on travel shows an even stronger trend in reduction.



13.4

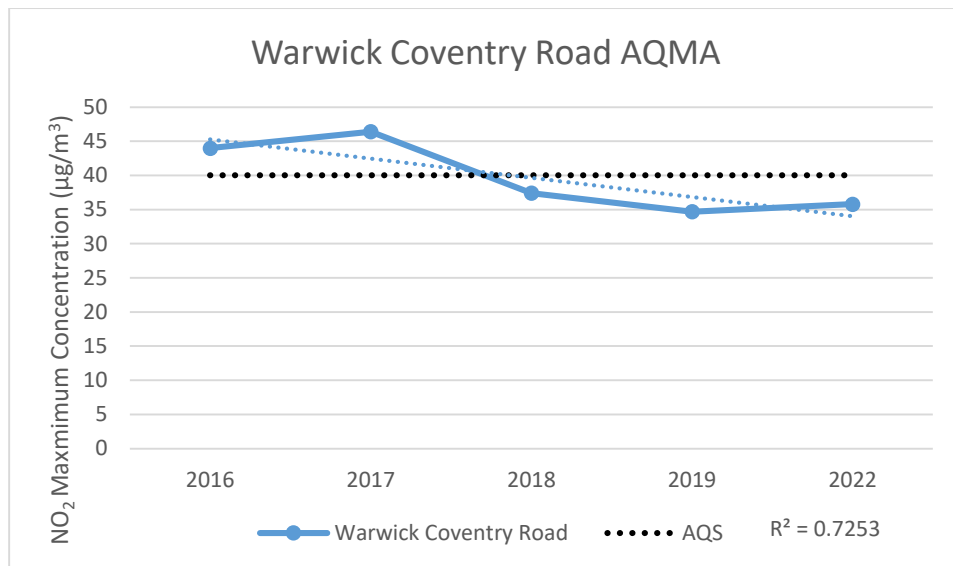
14 Warwick Coventry

- 14.1 The site under review has demonstrated consistent compliance with Air Quality objectives for a consecutive period of five years. Projections indicate a moderate correlation, suggesting a potential ongoing decrease in the maximum concentration within this Air Quality Management Area (AQMA). Forecasts indicate that exceeding air quality standards in the foreseeable future is improbable. Considering these trends, it is advisable to revoking the AQMA designation, given the sustained improvement and consistent performance below the air quality standard over the past five years.



14.2

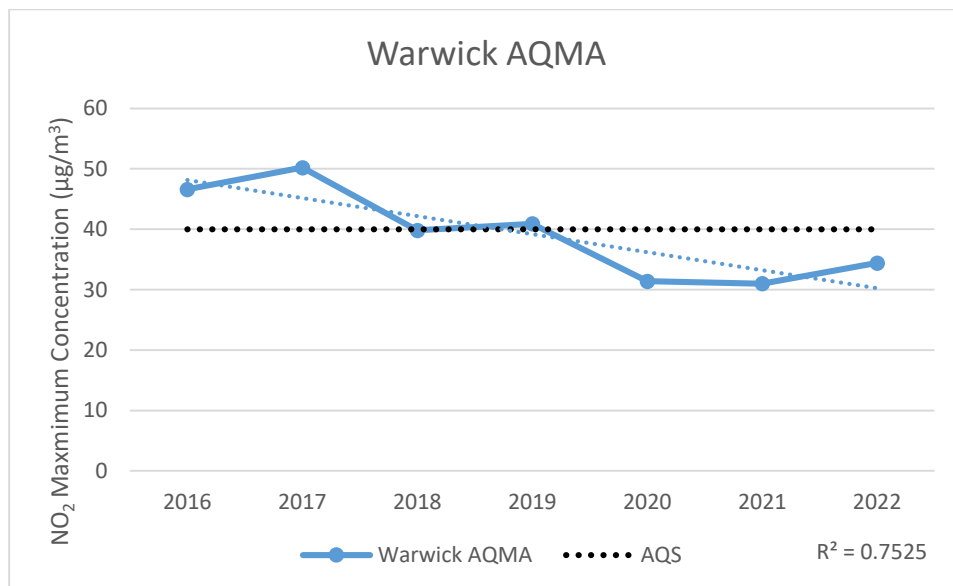
- 14.3 Removing the years 2020 and 2021 as outliers due to the COVID-19 Pandemic's influence on travel shows an even stronger trend in reduction.



14.4

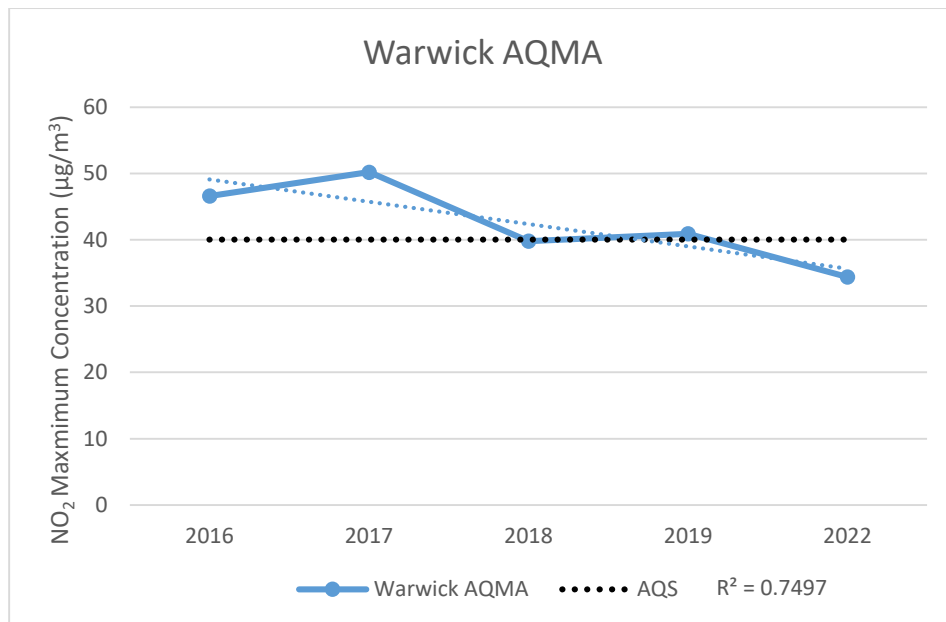
15 Warwick AQMA

- 15.1 This site has maintained compliance with Air Quality objectives for a continuous period of three years. Projections indicate a strong correlation, suggesting a persistent decline in the maximum concentration within this Air Quality Management Area (AQMA). The likelihood of future exceedances of air quality standards is notably low.
- 15.2 Considering the positive trend and to potentially streamline administrative processes, it is advisable to consider the possibility of revoking the AQMA designation, despite the relatively short compliance duration of three years. However, if revocation is not pursued, an annual reassessment will be necessary to monitor and ensure ongoing compliance.



15.3

- 15.4 Removing the years 2020 and 2021 as outliers due to the COVID-19 Pandemic's influence on travel shows negligible change in trend.

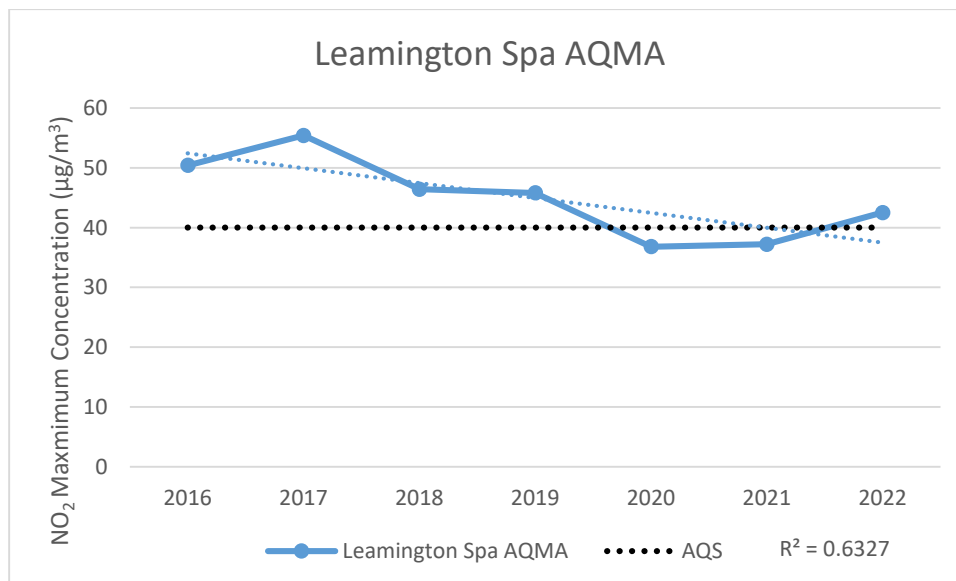


15.5

15.6 Reviewing the 1 hour mean objective in 2019 There were 25 1-hour concentrations that were greater than the hourly NO₂ limit of 200µg/m³ at the Jury Street/Pageant House continuous monitoring location. Since then, it has been compliant with the air quality standard of no more than 18 exceedances.

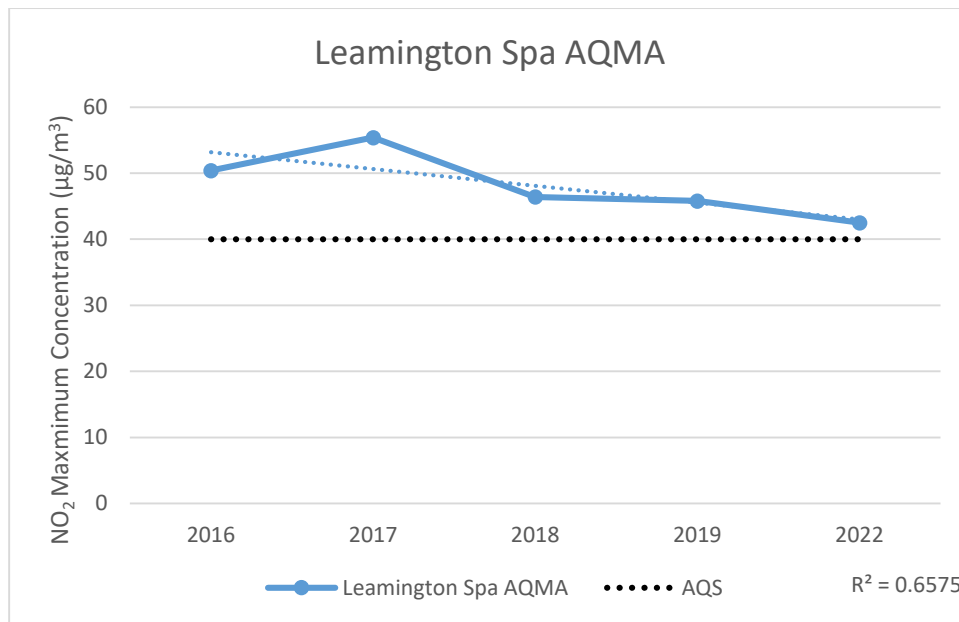
16 Leamington Spa AQMA

16.1 The status of this site reveals non-compliance with Air Quality objectives. Projections indicate a robust correlation, suggesting a promising trend of declining maximum concentration within this Air Quality Management Area (AQMA). However, it is essential to underscore that revocation should not be considered for this site at this time, given its ongoing non-compliance with air quality standards. Vigilance and remedial actions should continue until compliance is achieved and consistently maintained.



16.2

16.3 Removing the years 2020 and 2021 as outliers due to the COVID-19 Pandemic's influence on travel shows negligible change in trend.



16.4

17 Conclusion

- 17.1 Revocation of the following AQMA's: New Street Kenilworth AQMA, Warwick Road Kenilworth AQMA should be undertaken.
- 17.2 Warwick AQMA has been compliant for three years based on the annual average and 1-hour mean air quality objectives. Projections indicate continued decline in concentrations of both objectives. Another assessment is recommended for the following year.
- 17.3 Leamington Spa AQMA should remain due to non-compliance with the air quality standards.