

Proposal to revoke Air Quality Management Area Orders

Date: 20 March 2024

Report of: Environmental Health Manager

Report to: Chief Officer, Elections & Regulatory Service

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

Brief summary

Local authorities have a duty under the Environment Act 1995 to monitor the quality of air within their administrative areas, produce an annual status report and designate special management areas known as air quality management areas (AQMA) where pollutants exceed UK objectives.

There are currently six AQMA's in Leeds, which were declared between 2001 and 2017.

Comprehensive monitoring within the AQMA's has identified that air quality within five of the AQMA's is now within UK Objectives and has been consistently so, for a number of years.

The AQMA's are;

Ebor Gardens, Burmantofts (AQMA 1/2017), declared 2001

Caspar Apartments, Little London (AQMA 2/2017), declared 2001

The Normans, Kirkstall (AQMA 3/2017), declared 2010

The Tilburys, Holbeck (AQMA 4/2017), declared 2010

Chapel Hill, Morley (AQMA 6/2017), declared 2017

It is therefore proposed to revoke the Air Quality Management Area Orders as the five areas are now compliant with UK Air Quality Objectives and no longer meet the threshold for AQMA designation.

Recommendations

- a) The Chief Officer, Elections & Regulatory authorises the revocation of the Air Quality Management Area Orders pertaining to Ebor Gardens (AQMA1/2017), Caspar Apartments (AQMA 2/2017), The Normans (AQMA 3/2017), The Tilburys (AQMA 4/2017) and Chapel Hill (AQMA 6/2017).

What is this report about?

- 1 Part IV of the Environment Act 1995 introduced a requirement on all local authorities to carry out duties in relation to local air quality management. All local authorities are obliged to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives for different pollutants are likely to be achieved. Where it is likely that air quality levels are such that certain pollutants are above specified levels (UK Air Quality Objectives) the Local Authority must declare an Air Quality Management Area (AQMA).
- 2 Air quality objectives have been set for a range of specific pollutants, but only particulate matter (PM10 – particles less than 10 microns in diameter, PM 2.5 - particles less than 2.5 microns in diameter) and Nitrogen Dioxide (NO₂) are seen as a potential problem in most locations in the U.K.
- 3 The main sources of NO₂ are vehicle emissions and the burning of fossil fuels. There are a number of sources of particulate matter. A small proportion come from naturally occurring sources such as pollen, sea salt and airborne dust. A third of all particulate matter in the UK is from sources outside of the UK. However, around half of UK concentrations comes from domestic wood burning and transport emissions.
- 4 There are currently six AQMA's declared in Leeds - Ebor Gardens, Burmantofts (AQMA 1/2017), Caspar Apartments, Little London (AQMA 2/2017), The Normans, Kirkstall (AQMA 3/2017), The Tilburys, Holbeck (AQMA 4/2017), Chapel Hill, Main Street, Pool in Wharfedale (AQMA 5/2017), Morley (AQMA 6/2017). Details of the location and boundaries of all AQMA's can be found in the attached appendix.
- 5 All AQMAs were declared due to exceedances of the annual average Nitrogen Dioxide UK air quality objective of 40 µg/m³, and there being residential receptors presenting relevant exposure in close proximity to busy roads.
- 6 Extensive and continual monitoring of NO₂ has been undertaken throughout the duration of the AQMA's. Monitoring data has shown that all AQMA's, with the exception of Pool in Wharfedale, have recorded levels of NO₂ within the annual average UK objective for at least the last four consecutive years. Full details of annual monitoring results for each AQMA can be found in the attached appendix.
- 7 Department of Environment, Food & Rural Affairs (DEFRA) guidance recommends at least three consecutive years without a breach of the UK Objective before revocation. The proposed revocations were outlined in the Annual Status Report 2021 and DEFRA conformed in their feedback to the report that revocation would be appropriate and should be considered.
- 8 Monitoring results for 2020 were disregarded due to the Covid lockdown restrictions in place that year which significantly reduced vehicle traffic and commercial activity leading to artificially low concentrations of NO₂ recorded.
- 9 At present there are no major developments, which are considered likely to generate significant additional NO₂, proposed in any of the five AQMA's or adjacent areas. In addition, the ongoing national shift to less polluting vehicles and the improvements brought about through the Council's Air Quality Strategy and Action Plan are likely to continue the trend in improved air quality.
- 10 A public consultation was undertaken asking for views and comments on the intention to revoke the AQMA Orders. The consultation ran from 1st February to 28th February 2024. Six responses were received. These are detailed as an appendix to this report. All respondents were replied to individually.
- 11 Revocation of the AQMA Orders does not mean that monitoring will stop in these areas. Monitoring will continue to ensure ongoing compliance with UK Air Quality Objectives.

12 It is therefore proposed to revoke the Air Quality Management Orders as the areas in question are now compliant with UK Air Quality Objectives for NO₂ and no longer meet the threshold for AQMA designation.

What impact will this proposal have?

13 The revocation of AQMA Orders will formally confirm long term compliance with NO₂ air quality objectives within the areas.

How does this proposal impact the three pillars of the Best City Ambition?

Health and Wellbeing Inclusive Growth Zero Carbon

14 Reducing emissions and improving air quality directly contributes to two strands of the Best Council plan: Sustainable Infrastructure & Health and Well-Being. Measures that improve air quality usually have a positive carbon reduction impact

What consultation and engagement has taken place?

Wards affected: Burmantofts & Richmond Hill, Little London & Woodhouse, Kirkstall, Holbeck, Morley North

Have ward members been consulted? Yes No

15 A public consultation was undertaken asking for views and comments on the intention to revoke the AQMA Orders. The consultation ran from 1st February to 28th February 2024, six responses were received. These are detailed as an appendix to this report. All respondents were replied to individually.

16 The Executive Member for Climate, Energy, Environment and Green Space and the Director of Public Health have been advised and are supportive of the proposal.

What are the resource implications?

17 Beyond the administrative and legal work to revoke the Orders there are no resource implications.

What are the key risks and how are they being managed?

18 An AQMA should only be considered for revocation when there is long term evidence of compliance with UK Air Quality Objectives. Due to the prolonged period that NO₂ concentrations have been below the Air Quality Objective, confidence is high that that the reductions are permanent.

19 Air quality monitoring will continue in all areas to identify any adverse future trends.

What are the legal implications?

20 The process of Local Air Quality Management (LAQM) is defined through the Environment Act 1995, associated regulations, and Secretary of State's guidance notes. The revocation process will adhere to all relevant legislation and guidance.

21 As all areas are now compliant with UK Air Quality Objectives, and have been for a number of years, there is no legal mandate for the designation of Air Quality Management Area status.

Options, timescales and measuring success

What other options were considered?

22 The only alternative would be to keep the AQMA's in place. There is no justification for this as the purpose of an AQMA is to enable actions to be prioritised by the local authority to tackle areas that exceed UK Air Quality Objectives.

How will success be measured?

23 Should the proposal be approved success will be measured by the completion off the revocation process within timescale.

What is the timetable and who will be responsible for implementation?

24 The revocation process is scheduled for completion by April 2024. The Lead Officer will be the Environmental Health Manager.

Appendices

- Air Quality Management Areas – Maps, monitoring locations and results.
- Public Consultation – respondents and comments

Background papers

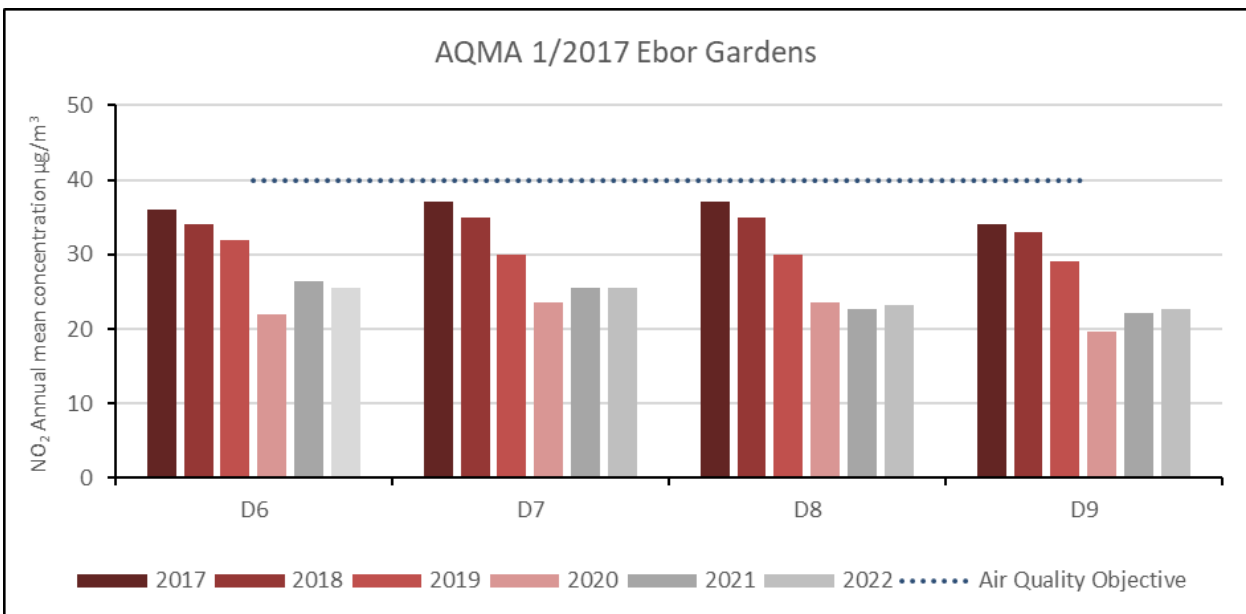
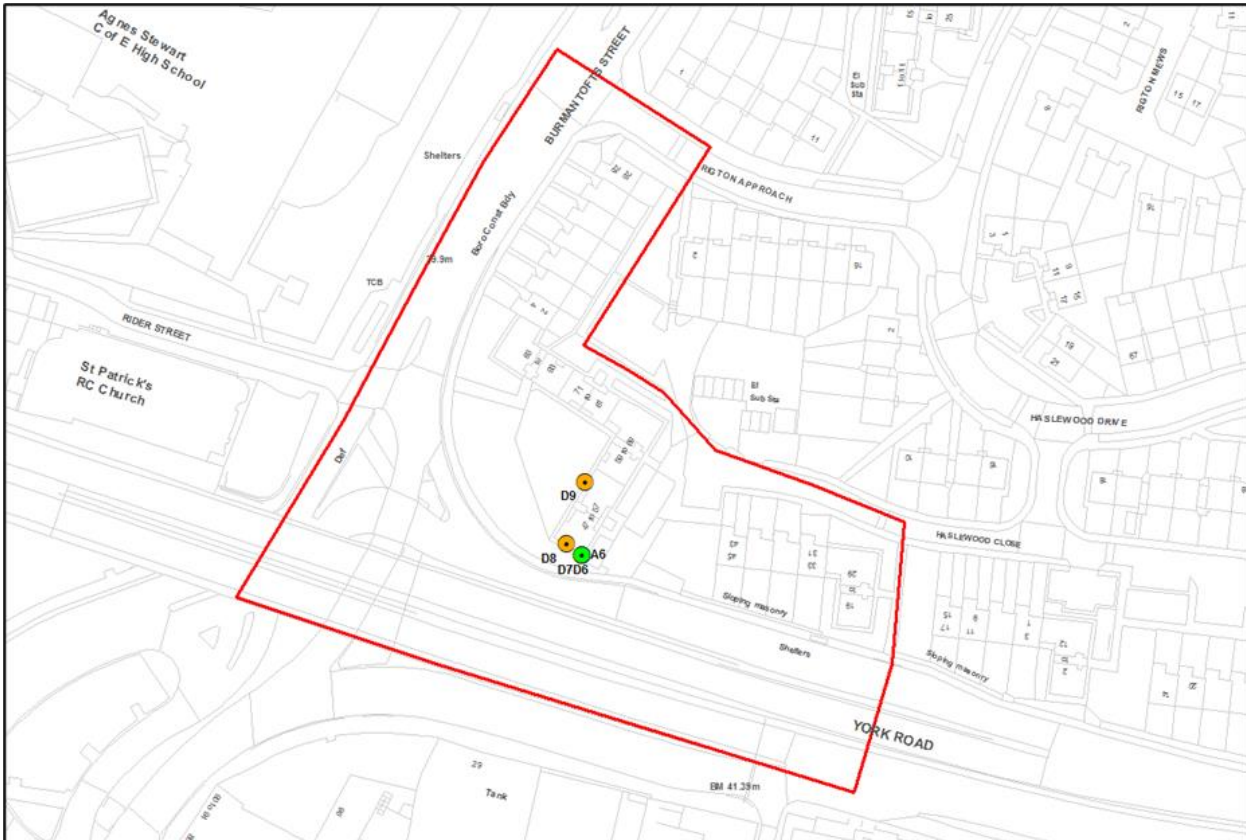
None

Appendix

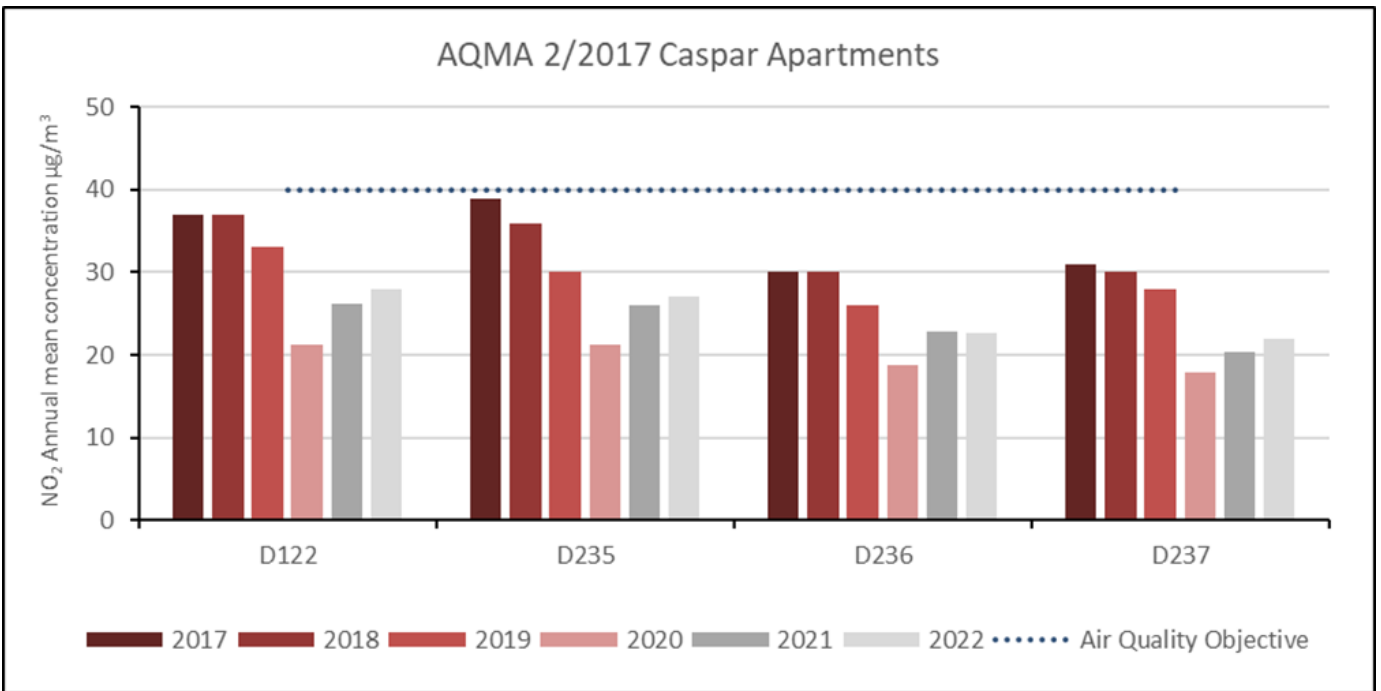
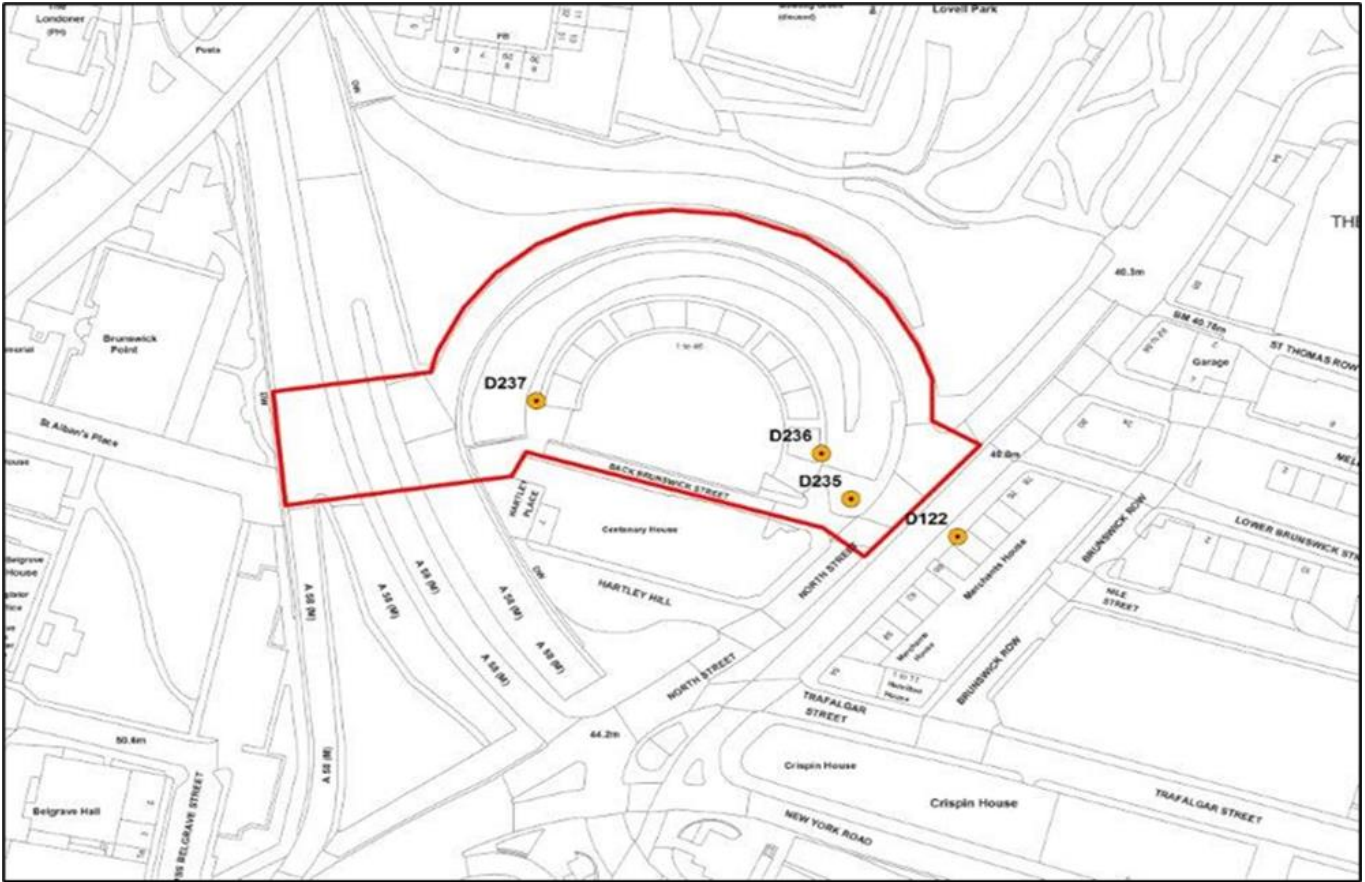
Air Quality Management Areas – Maps, monitoring locations and results.

Boundary of AQMA's in red. Points show location of monitoring sites.

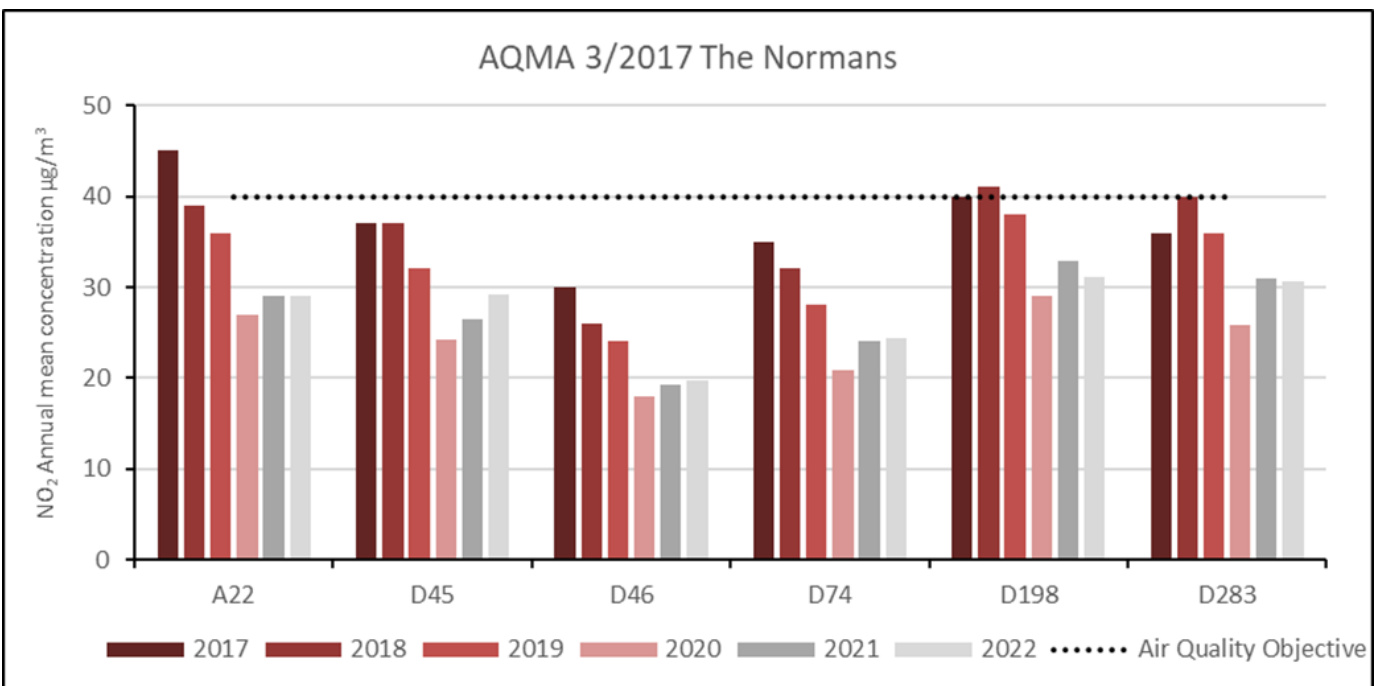
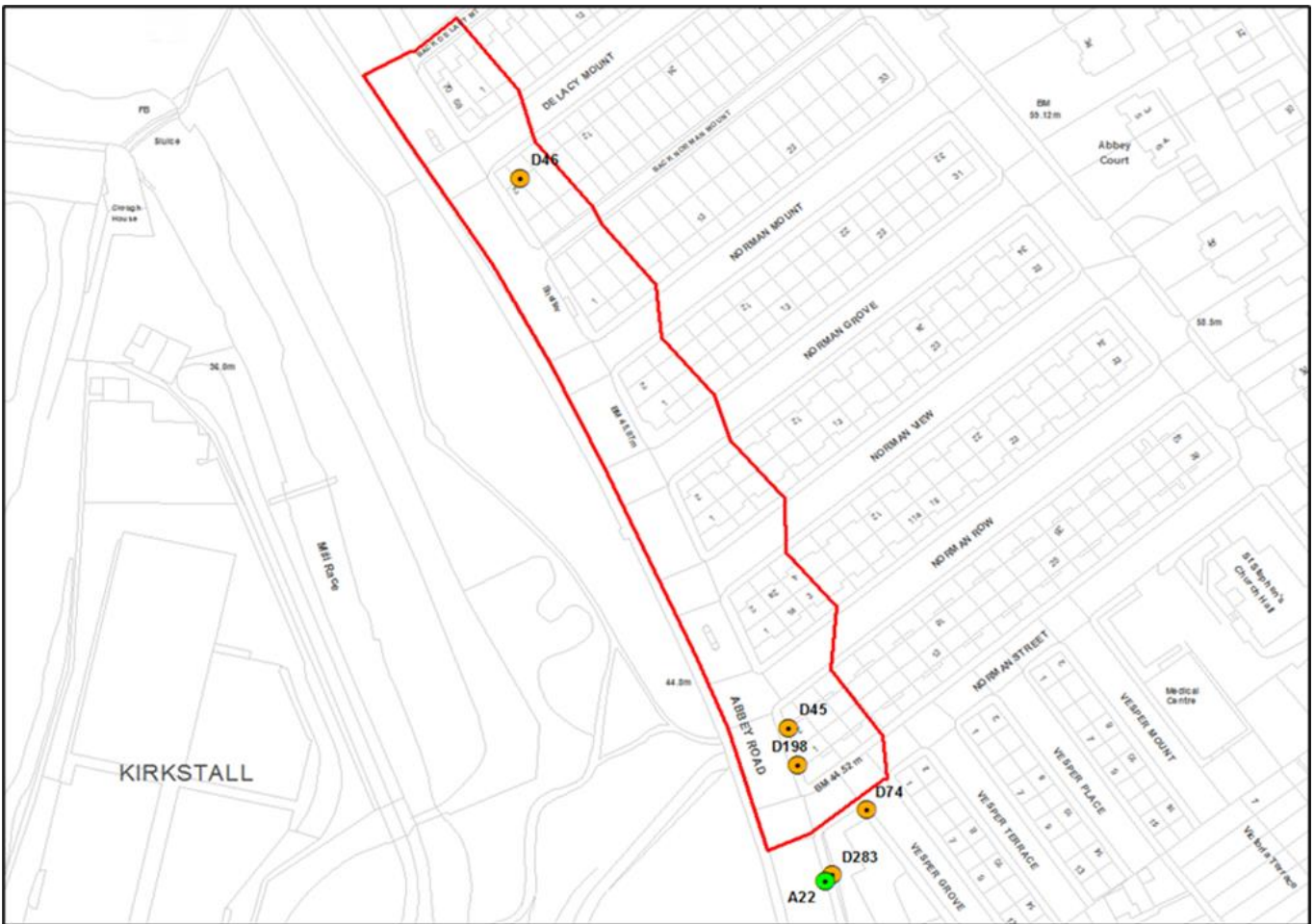
Ebor Gardens, Burmantofts AQMA



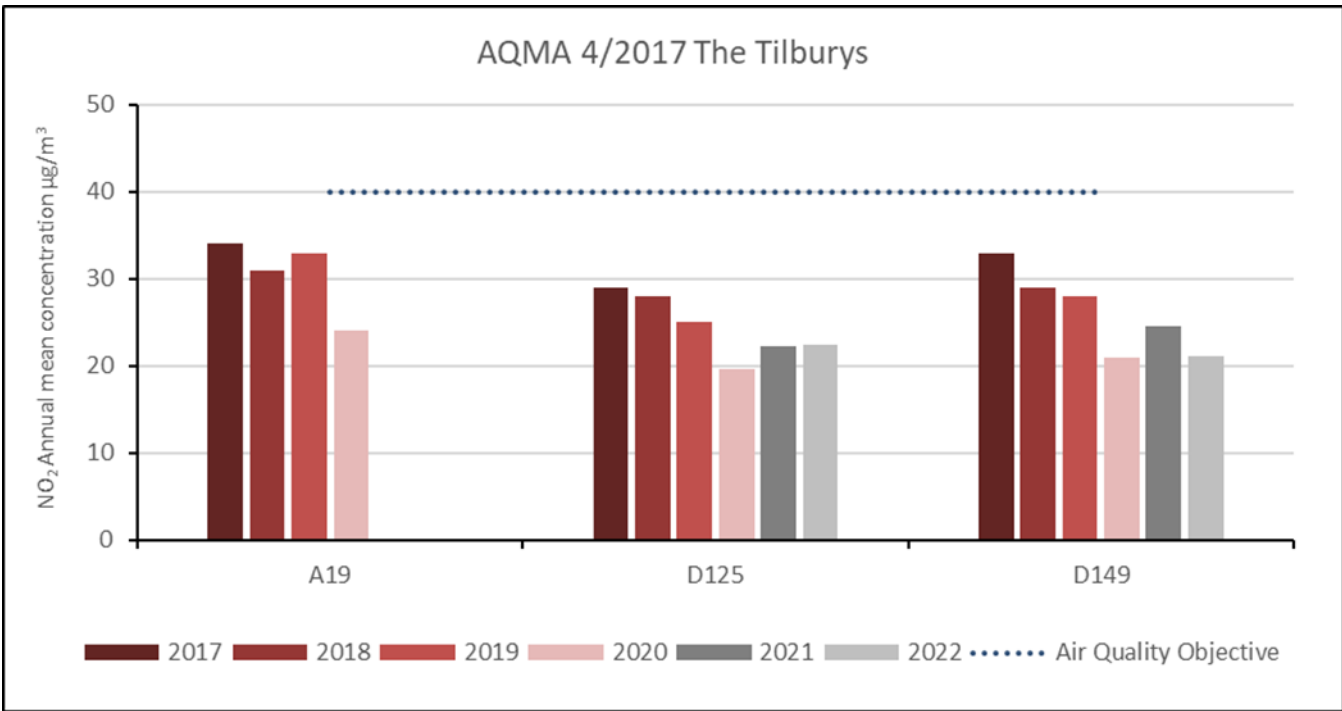
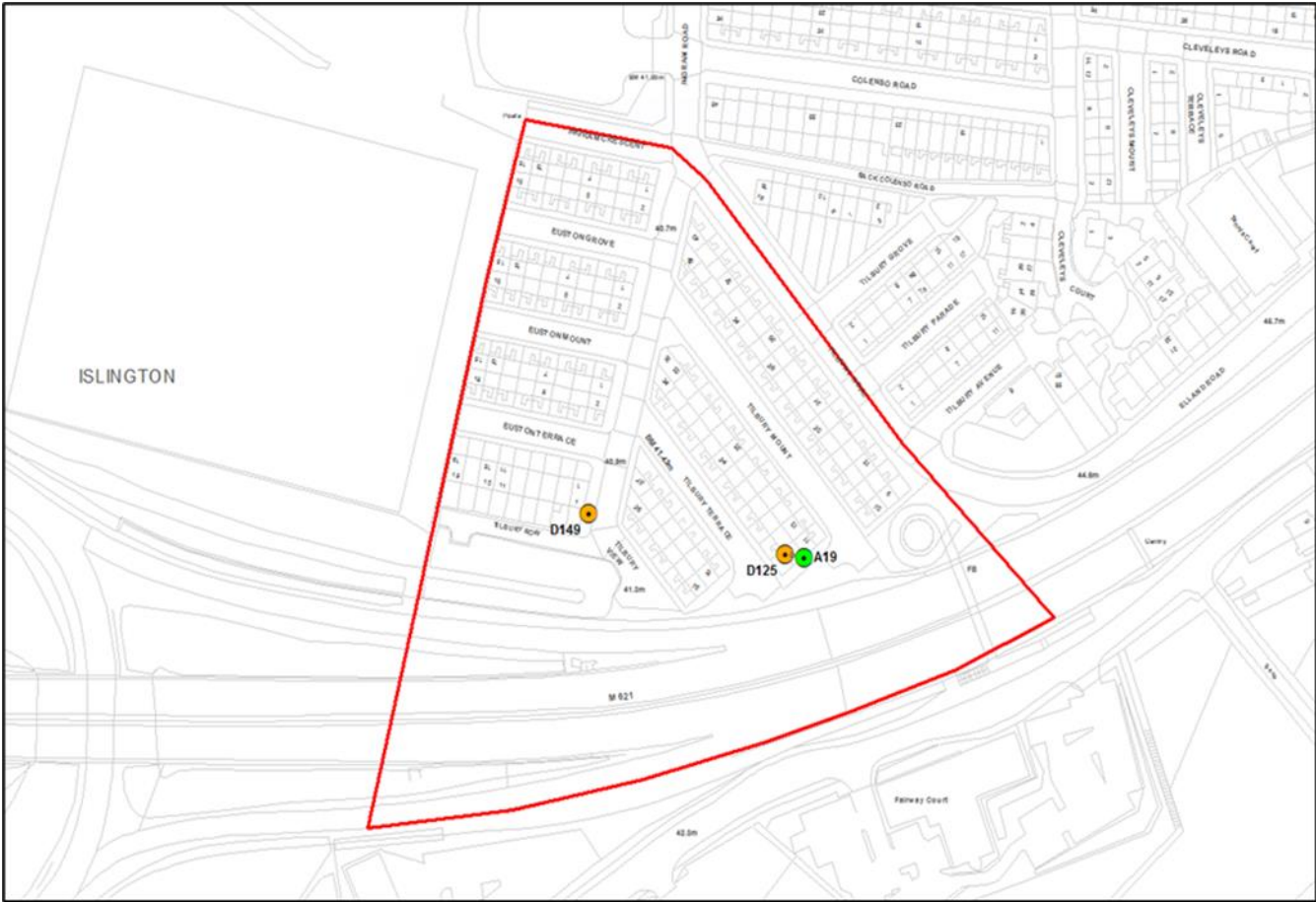
Caspar Apartments, Little London AQMA



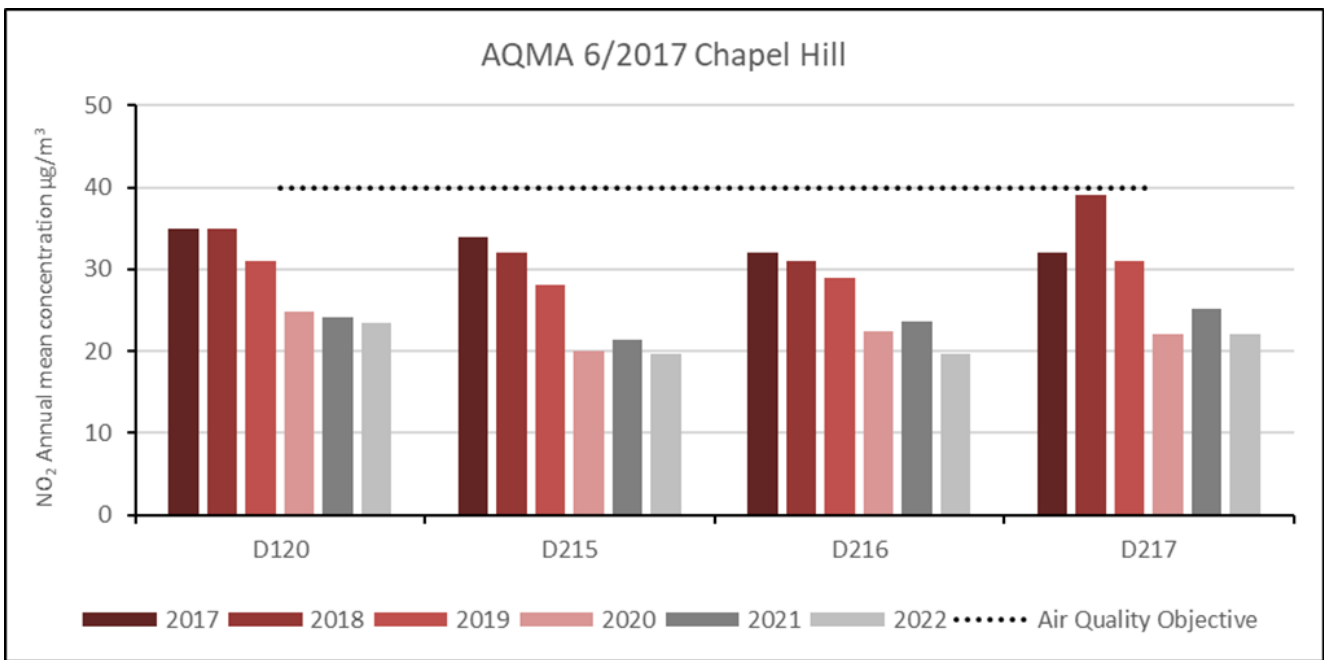
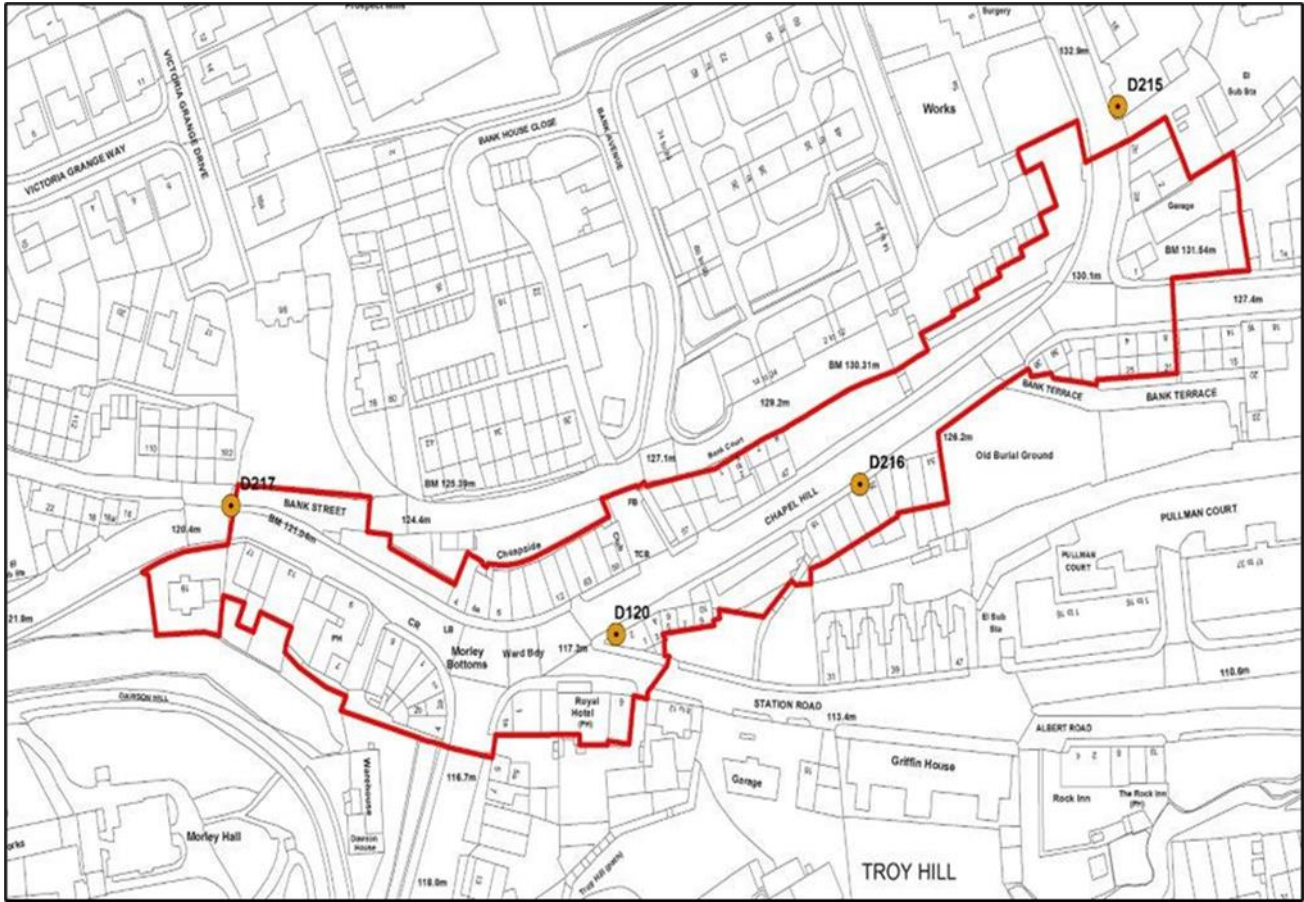
The Normans, Kirkstall AQMA



The Tilburys, Holbeck AQMA



Chapel Hill, Morley AQMA



Public Consultation – respondents and comments

Consultee	Category	Comments	Our response
Director of Public Health	Leeds City Council	As Director of Public health at Leeds City Council, I support the revocation of the AQMA, this is recognition of an improvement in air quality in these areas and therefore an improvement to health.	n/a
National Highways	National Highways	We have no representations to make in relation to your wish to revoke these AQMAs.	n/a
Member of Public	Member of Public	<p>While the results of the monitoring from 2017 - 2022 show a reduction in NO₂ (Nitrogen Dioxide), I believe that ongoing monitoring would be beneficial and of significant value to the Council, local residents and area as a whole.</p> <p>While the previous UK guideline for safe levels of NO₂ in ambient air was 40 ug/m³, I note that in 2021 the World Health Organisation (WHO) advised a much lower concentration of 10 ug/m³. With the above in mind, and given that the highest mean recorded concentration of NO₂ on Chapel Hill in 2022 was 24ug/m³ (more than double the safe level now advised by the WHO); I would like to voice my concerns about the possibility of a reduction or cessation of air quality monitoring.</p> <p>I would like to further request that monitoring of air quality continues for the foreseeable future.</p> <p>I would also like to request:</p> <ul style="list-style-type: none"> • More information about the planned air quality monitoring on Chapel Hill going forward • Action plan and reviewed objectives in response to the updated guidance from 	<p>The revocation of AQMA status does not mean that air quality monitoring will cease. Monitoring will continue at the same locations for the foreseeable future to ensure continued compliance with UK objectives and to identify any future trends in air quality.</p> <p>The Leeds Air Quality Strategy 2021 -2030 and Action Plan sets out how we intend to achieve World Health Organisation targets by 2030. What we are doing about air pollution (leeds.gov.uk)</p> <p>Full details of air quality monitoring for Leeds can be found in our Annual status Report 2023. Report provided to respondent.</p>

		<p>the WHO (regardless of UK national guidance)</p> <ul style="list-style-type: none"> Where and how more detailed information about air quality monitoring is published and how to access such data. 	
Member of Public	Member of Public	<p>On behalf of residents in this area I am disappointed that you have made the decision to stop regularly monitoring the air pollution in this area. You have exploited a period of reduced car travel during the pandemic which is not a true indicator of normal times. In addition you have recently approved 300 homes within yards of this area and this will likely impact negatively on the air quality. Also we are still waiting for several hundred homes and flats to be built on the forge site which will again increase traffic travelling down this road despite its railway. In addition the area is gridlocked every morning and evening with standing traffic so I cannot see how your calculations are correct. By removing this monitoring at a premature stage you are affecting the health of cyclists using the cycle lane! We also have Hawkswood, St Stephen's, Beecroft, Sacred Heart and Burley St Mathias schools in the vicinity of the A65 therefore you are prepared to abandon the monitoring of air quality which is detrimental to over a thousand local children in the area.</p> <p>Please register my objection</p>	<p>The revocation of AQMA status does not mean that air quality monitoring will cease. Monitoring will continue at the same locations for the foreseeable future to ensure continued compliance with UK objectives and to identify any future trends in air quality.</p> <p>Monitoring results for 2020 (lockdown) were disregarded as not a true representation of air quality. Results for 2019, 2021 and 2022 were all within the UK objective for NO₂, meeting government criteria for revocation of air quality management area status.</p> <p>Monitoring is undertaken to MCERTS standard and is ratified by an independent consultant. The data is also submitted to DEFRA for approval.</p>

		on behalf of local residents and schoolchildren.	
Ward Member	Leeds City Council	Can you confirm what the levels were and what they are now (% reduction would be great!)? Will monitoring continue?	The highest level for the area was 38.6 in 2018 at monitoring point D217. So the % reduction from 2018 is 35%. Monitoring will continue in the area.
Ward Member	Leeds City Council	I'd also like to formally register my objection. Whilst I recognise the air quality meets Government targets, I strongly believe the air quality in the Tilbury area needs to continue to improve and monitoring may help that.	When AQMA status is revoked from an area monitoring will continue. As you say it's important that we continue to ensure UK Objectives are met and air quality can be further improved. On the basis that monitoring will continue for future years in the area.