



Report of the CHIEF ENVIRONMENTAL SERVICES OFFICER

Executive Board

Date: 7 APRIL 2010

Subject: PROPOSED REVISION OF AIR QUALITY MANAGEMENT ORDERS

Electoral Wards Affected:

Beeston & Holbeck
Kirkstall
Morley North



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the report)

EXECUTIVE SUMMARY

This report outlines the current position regarding the Council's declared Air Quality Management Orders.

Following the most recent Detailed Assessment submitted to and accepted by Defra, proposals are put forward to revoke four of the seven Air Quality Management Areas (AQMAs) identified in one order (for nitrogen dioxide), revoke the second order (for PM₁₀ particles) and declare three additional areas for nitrogen dioxide. It is also recommended that the retained AQMAs will be amended to include the adjacent roads.

Following a declaration of AQMAs, the Council is required to draw up an Air Quality Action Plan (AQAP) indicating the measures to be taken to work towards achievement of the Air Quality objectives. The current AQAP is under review at present and will reflect the need to address the newly identified areas.

1.0 PURPOSE OF REPORT

1.1 Under the provisions of Section 83(1) of the Environment Act 1995, when a local authority believes that the objectives contained in Air Quality Regulations are not going to be achieved within its area, it must designate Air Quality Management Areas (AQMAs). This report outlines the history and current proposals in respect of air quality issues, the process involved in declarations and revocations and seeks approval to declare new areas and revoke those where air quality standards are now being achieved.

2.0 BACKGROUND AND MEASURES TO ADDRESS THE CITY'S AQ ISSUES

- 2.1 The Council submitted its 'Stage 3 Review and Assessment of Air Quality' to the DETR at the beginning of December 2000 and following a period of consultation with elected members, statutory consultees, interested organisations and members of the public made two Air Quality Management Orders in July 2001 under the powers delegated to the Director of Housing and Environmental Health Services.
- 2.2 Prior to making the orders, officers considered the options available to the council in relation to the areas to be covered by the declaration process, particularly in relation to nitrogen dioxide. Three approaches were available for adoption:
- i) A 'whole borough' declaration
 - ii) The declaration of the bulk of the city centre (ie central business area) and surrounding areas
 - iii) Declaration of the areas believed to exceed the standard.
- 2.3 Of these three approaches, the whole borough declaration was dismissed as this would include rural areas where there was clearly no likelihood of standards ever being exceeded. Declaration of the city centre area was considered and again dismissed. Air quality monitoring at the Leeds Centre site indicated that concentrations had decreased over the preceding seven years and by 2000 had achieved the air quality standard. The view was taken that a widespread declaration was not justified on air quality grounds; that to do so would harm the economic standing of the city; and that such a declaration would blight properties as the order would appear on Land Charge enquiries to prospective purchasers.
- 2.4 Following declaration, the Council was required to draw up an Air Quality Action Plan (AQAP) indicating the measures to be taken to work towards achievement of the Air Quality objectives. The Council's current AQAP, published in January 2004, addresses the traffic and transportation issues identified at that time. While the AQMAs are relatively small, the underlying cause of the problem, in general terms, requires a city-wide (or even region-wide) approach.
- 2.5 In the intervening period, there have been a number of transport related developments that work towards achieving the required air quality concentrations and will be incorporated into the planned revision of the AQAP. These include steps that fall under three general headings. Together with others, they are being implemented or are under consideration:
- i) Demand management techniques (such as promotion of public transport, developing park & ride sites, implementation of priority measures – guided bus, bus lanes etc)
 - ii) Encouraging sustainable travel (for example car clubs, car sharing, travel plans, promotion of cycling and walking) and
 - iii) Reducing vehicle emissions (by smoothing traffic flows, encouraging the use of cleaner fuels, restricting 'engine idling' of parked vehicles, exclusion of more polluting vehicles through low emission zones).
- 2.6 Of the eight 'core cities', Leeds was the first to declare its AQMAs in July 2001, followed by Sheffield at the end of 2001 with the others making orders at various dates between 2002 and 2004.
- 2.7 There have been a variety of approaches to the declaration process adopted by different local authorities. Bradford, Kirklees and Calderdale have each followed

Leeds' lead and declared discrete AQMAs. Wakefield chose to select areas adjoining the motorway network, extending the declaration to include the adjacent communities. Of the core cities, Nottingham has declared smaller areas in a similar manner to Leeds. While both Birmingham and Liverpool (as well as a number of the London Boroughs) have declared their entire borough, others have deemed it appropriate to declare their city centres and associated road network.

- 2.8 Leeds' No.1 order identified seven small areas with residential properties where the nitrogen dioxide concentrations were believed to exceed the standard. The No.2 order identified one residential area where it was believed that PM₁₀ particle concentrations would exceed the air quality standards in 2005.
- 2.9 Further monitoring and Detailed Assessments (DAs) have identified that the standards are no longer exceeded in some of Leeds' AQMAs. The revocation of areas no longer at risk of breaching the air quality standards, variation of existing and designation of the further areas can only be carried out through the Order process. (Powers to revoke or vary the areas are contained in sections 83(2)(a) and 83(2)(b) respectively).
- 2.10 The continued monitoring and modelling undertaken to support the DAs has identified other areas where concentrations are likely to exceed the 2005 standard for annual mean nitrogen dioxide of 40 µg.m⁻³.

3.0 THE AIR QUALITY MANAGEMENT ORDER No.1 – NITROGEN DIOXIDE

- 3.1 There are currently seven AQMAs that were declared in July 2001 for exceedences of the nitrogen dioxide air quality objective. Six are located around the Inner Ring Road (IRR) and the seventh at the northern end of what at the time was the M1 (now Junction 3 of the M621). The declaration triggered the preparation of the Council's AQAP, published in January 2004 to address the air quality issues identified in these areas.
- 3.2 The areas identified in the initial declaration were restricted to the residential properties and the private spaces around them. While it is recommended that some should now be revoked (see below), it is proposed that those remaining should be extended to include the adjacent road(s) on which the traffic travels that creates the pollution problem. This is proposed since additional powers will then become available to the council to carry out emission testing of vehicles on the roads leading into and out of the areas should it be considered appropriate to adopt that action.
- 3.3 A summary of the proposed actions is shown in the table below.

AQMAs declared for nitrogen dioxide exceedences and current proposals

AQMA Ref.	LOCATION	REVOKE / RETAIN
1	Haslewood Close, LS9	Retain
2	Ladybeck Close, LS2	Retain (pending demolition)
3	New York Road	Revoke (commercial rather than residential use)
4	Caspar Apartments, North St	Retain (pending confirmation of proposed future use)
5	Oatland Heights	Revoke (< 40 µg.m ⁻³)
6	Marlborough Grange	Revoke (< 40 µg.m ⁻³)
7	Dewsbury Road	Revoke (< 40 µg.m ⁻³)

3.4 Nitrogen dioxide concentrations at **Haslewood Close** (AQMA 1) continue to exceed the AQ objective annual mean of $40 \mu\text{g.m}^{-3}$. The area has been the subject of extensive continued monitoring to establish trends in exposure of the local residents and although results are influenced by meteorological conditions, they display a downward trend.

Recommendation – Retain, modified to include roads.

3.5 **Ladybeck Close** (AQMA 2) is a sheltered housing development very close to (almost underneath) the flyover crossing of the IRR with Regent Street. The property was the subject of a CPO associated with redevelopment of the area known as the 'Harewood Quarter', currently on hold given the economic climate.

Recommendation – Retain at present, modified to include roads.

3.6 Crispin House at the junction of **New York Road** (AQMA 3) and North Street had planning permission for conversion to residential use in 2001. This has never been implemented and the property is now to become an hotel (a commercial use that is not required to achieve the AQ objective).

Recommendation – Revoke.

3.7 **Caspar Apartments** (AQMA 4) were closed for residential use after suggestions that they were unsafe. Monitoring suggested that nitrogen dioxide concentrations would have been acceptable but this work ceased **a)** because the residential units were no longer occupied and **b)** because of concerns for the safety of our lone-working staff who were carrying out the monitoring.

Recommendation – Retain at present, modified to include roads.

3.8 Measurements made at a lamp-post located between the **Oatland Heights** tower block (AQMA 5) and Clay Pit Lane have been below the $40 \mu\text{g.m}^{-3}$ criterion since 2007. With this lamp-post being closer to the road than Oatland Heights, lower pollutant concentrations are expected to exist at the residential units.

Recommendation – Revoke.

3.9 Although in the vicinity of the IRR at a point where it has been suggested that concentrations are among the highest in the county, measurements made at **Marlborough Grange** (AQMA 6) have been consistently below the $40 \mu\text{g.m}^{-3}$ criterion with levels between 29 and $33 \mu\text{g.m}^{-3}$ in recent years.

Recommendation – Revoke.

3.10 Nitrogen dioxide measurements at the northern end of **Dewsbury Road** (AQMA 7) have ranged between 34 and $36 \mu\text{g.m}^{-3}$ in the course of the last three years.

Recommendation – Revoke.

4.0 THE AIR QUALITY MANAGEMENT ORDER No.2 – PM₁₀ PARTICLES

4.1 The order relating to **Garden Village, Micklefield** was identified for revocation in 2004 as the criteria were no longer at risk of exceedence following upgrades to heating systems (a significant number of the properties having been converted to gas heating from coal since the original declaration in 2001). However, the revocation was delayed pending the outcome of a revision of the EU directive relating to PM particles that was underway at the time. This has been completed and has no effect on the criteria for PM₁₀ particles.

Recommendation – Revoke.

5.0 PROPOSALS FOR A NEW AIR QUALITY MANAGEMENT ORDER AND ADDITIONAL AIR QUALITY MANAGEMENT AREAS

5.1 A second Detailed Assessment of air quality was carried out, circulated to statutory consultees and placed on the website. The document was appraised and accepted by Defra. A number of locations were investigated and new declarations are considered necessary for residential properties in three further areas of the city as a result of the exceedence of the nitrogen dioxide air quality objective. As well as the residential properties it is proposed to include the adjacent roads (for the reasons described in 3.2 above).

5.2 THE NORMANS

5.2.1 This proposal has identified approximately 32 properties. The list comprises the gable ends of through terraces and back-to-backs adjacent to Abbey Road, Kirkstall (the A65). The specific properties to be included are **1, 3 & 5 Norman Street; 1, 1a, 2, 3, 4 & 6 Norman Row; 1, 2, 2a, 3, 4 & 5 Norman View; 1, 2, 3, 4 & 6 Norman Grove; 1 to 5 Norman Mount; 1, 2, 3, 4 & 6 De Lacy Mount; 68/70 Abbey Road.**

5.2.2 Pollution concentrations at the gable ends of the properties (approx. 2 metres from the kerb) are significantly higher than the air quality objective for nitrogen dioxide. However, the level decreases quickly with increasing distance from the source particularly as the background concentration is not particularly high in this area.

5.2.3 Although addressing air quality exceedences is the role of the Air Quality Action Plan, it is believed that in this case the measured concentrations result primarily from the traffic passing the site. The difference from other sites that may otherwise appear similar is that in this case, vehicles passing the site are accelerating away from traffic lights to both north and south of the area of concern.

5.3 THE TILBURYS AND EUSTONS

5.3.1 A small group of 130 properties overlooking Junc. 2 of the M621 (and slip-road) with the A643 Ingram Road Distributor (the dual carriageway from Armley Gyratory) including **odd numbered properties on Tilbury Road; all properties on Tilbury Row, View, Terrace and Mount; Euston Terrace, Mount and Grove; Ingram Crescent.**

5.3.2 It is likely that only those properties closest to the M621 and the slip-road exceed the air quality objective and further monitoring is being undertaken. It is believed that the current exceedence occurs as a result of the combination of traffic using the M621 and accelerating traffic climbing the gradient of the slip-road to gain access to the M621.

5.3.3 The topography of the area plays a significant part in the pollution concentrations. Monitoring of nitrogen dioxide (and other pollutants) was carried out in 2000, a few hundred metres along the part of Elland Road leading into Tilbury Road (to the north of the M621). At this point on the M621, traffic has normally reached a steady speed and the motorway is in a cutting as a result of the rising land adjacent to it. The results indicated acceptable levels, a situation that is expected to have improved further in the intervening period.

5.4 QUEENSCOURT, MORLEY

5.4.1 The sheltered housing development of 47 residential units at **Queenscourt**, on

Queen Street, Morley suffers in terms of air quality because of its convenient location in the centre of the town and adjacent to the primary location for buses to stop when bringing customers to the shops.

- 5.4.2 Monitoring here has evidenced the fact that the air quality objective for nitrogen dioxide is exceeded. Buses at their stands frequently 'lay-over' before leaving on their return journey and have often been witnessed with their engines running during that period.
- 5.4.3 Much lower background levels have been measured in the vicinity ($27 \mu\text{g.m}^{-3}$ at Morley Library, approximately 30 metres away from Queen Street) and it is believed that one solution to the problem is to ensure that the drivers switch off the engines unless they are about to leave or have stopped solely for passengers to alight the vehicle.
- 5.5 The AQAP described in 2.4 and 2.5 above is currently under review and will be revised to take into account the recent findings and to address the air quality issues in each of the areas identified above.

6.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE

- 6.1 A copy of the proposed order (without plans) is shown below. A copy, including plans indicating the precise areas resulting from the declaration process, are contained in Appendix 1 (available from author upon request).
- 6.2 Plans and background information have been forwarded to all ward members for both the continuing and new AQMAs. They have been invited to attend briefing sessions when more detailed information will be provided.
- 6.3 It is intended to advertise the declaration of the order together with a description of the areas covered (in terms of residential properties affected) to come into effect on 1 July 2010.
- 6.4 Despite the city's efforts in relation to reducing private car commuting into the city described above, many of the technological improvements necessary must be delivered by central government nationally if Leeds is not to suffer an economic disadvantage against other regional conurbations.
- 6.5 One positive note to accompany this report is that a new Local Transport Plan (LTP3) is under development. National guidance provides for priorities including supporting economic growth (GVA) and reducing carbon emissions. It is fortunate that almost every step taken to address the climate change agenda will have a beneficial effect on air quality emissions.

7.0 LEGAL AND RESOURCE IMPLICATIONS

- 7.1 Advice has been sought on the legal process of making Air Quality Management Orders. They can either be dealt with by Elected Members or under the delegated powers vested in the Director and Chief Environmental Services Officer.

8.0 RECOMMENDATION

- 8.1 The Executive Board is asked to agree to the proposals above for revocation, modification and declaration of a new Air Quality Management Order described above.

BACKGROUND PAPERS

None



DRAFT

SECTION 83 OF THE ENVIRONMENT ACT 1995

CITY OF LEEDS (METROPOLITAN DISTRICT) (NO.1) AIR QUALITY MANAGEMENT ORDER, 2010

1. Leeds City Council ("the Council") having undertaken an air quality review are of the opinion that the air quality objectives for annual nitrogen dioxide concentration will not be achieved throughout the district. The objectives leading to the declaration of Air Quality Management Areas under the No.1 and No.2 Orders of 2001 have largely been achieved and those Orders are to be are revoked. The three locations (with amendments) where the Council believes it is necessary to retain Air Quality Management Area status together with three new areas are shown shaded red on the six attached plans. Details of the properties included within each of the areas are shown in the Schedule hereto.
2. The Council in exercise of the powers conferred upon them by virtue of Section 83 of the Environment Act 1995 **HEREBY BY THIS ORDER, revokes** the City of Leeds (Metropolitan District) (No.1) Air Quality Management Order, 2001 and the City of Leeds (Metropolitan District) (No.2) Air Quality Management Order, 2001 and **designates** the areas shown edged red on the said attached plans as Air Quality Management Areas.
3. This Order may be cited as the City of Leeds (Metropolitan District) (No.1) Air Quality Management Order, 2010.
4. This order shall come into force on the 1st day of July 2010.

continued over

SCHEDULE

Properties included within the areas delineated in Plans 1 to 6:

Plan 1

2 to 28 (evens only), Burmantofts Street
19 to 93 (odds only), Haslewood Close

Plan 2

11 to 25 Ladybeck Close

Plan 3

Caspar Apartments, 55 North Street

Plan 4

1, 3 & 5 Norman Street
1, 1a, 2, 3, 4 & 6 Norman Row
1, 2, 2a, 3, 4 & 5 Norman View
1, 2, 3, 4 & 6 Norman Grove
1 to 5 Norman Mount
1, 2, 3, 4 & 6 De Lacy Mount
68/70 Abbey Road

Plan 5

odd numbered properties on Tilbury Road
all properties on Tilbury Row, Tilbury View, Tilbury Terrace and Tilbury Mount
all properties on Euston Terrace, Euston Mount and Euston Grove
all properties on Ingram Crescent.

Plan 6

Queenscourt, Morley

THE COMMON SEAL of
LEEDS CITY COUNCIL
was hereunto affixed this
day of 2010
in the presence of:-

Chief Legal Officer

[Plans omitted from this copy]