



## CABINET

Tuesday, 03 May 2022

<b>Subject</b>	Consultation on, and Revocation of Woodbridge Air Quality Management Area
<b>Report by</b>	Councillor James Mallinder, Cabinet Member with responsibility for the Environment
<b>Supporting Officer</b>	Fiona Quinn Head of Environmental Services and Port Health <a href="mailto:Fiona.quinn@eastsoffolk.gov.uk">Fiona.quinn@eastsoffolk.gov.uk</a> 01394 444286  Andrew Reynolds Environment Protection Manager <a href="mailto:andrew.reynolds@eastsoffolk.gov.uk">andrew.reynolds@eastsoffolk.gov.uk</a> 01502 523113

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable
<b>Wards Affected:</b>	Woodbridge

## Purpose and high-level overview

### **Purpose of Report:**

To present information to Cabinet in order to determine whether to proceed with consultation on, and revocation of the Air Quality Management Area (AQMA)

### **Options:**

To carry out public consultation with a view to revoking the Woodbridge Junction Air Quality Management Area (AQMA) Order as directed by the Department of Environment, Food and Rural Affairs (Defra).

To not consult and resolve to retain the AQMA, (contrary to UK policy, statutory guidance and Defra advice).

### **Recommendation/s:**

1.1 That Cabinet approve commencement of formal consultation seeking views on revocation of the Woodbridge AQMA, following which Delegated Authority is given to Fiona Quinn (Head of Environmental Services and Port Health) in consultation with Councillor James Mallinder (Cabinet Member for the Environment) to consider consultation responses, liaise with Defra and approve the Revocation Order.

## Corporate Impact Assessment

### **Governance:**

Management of “Air Quality Management Areas” follows a process defined by specific and detailed Technical Guidance published by the Department for the Environment, Food and Rural Affairs (Defra). Part of that guidance requires participation of a “steering group” of stakeholders and interested parties, including relevant officers and elected ward members from all tiers of local government in the decision-making process. The Woodbridge AQMA steering group has been consulted on these proposals.

### **ESC policies and strategies that directly apply to the proposal:**

Revocation of the AQMA specific to Woodbridge would mean East Suffolk Council’s Air Quality Strategy will become the main vehicle for setting-out the measures applied by East Suffolk Council to secure improvements in air quality in Woodbridge.

### **Environmental:**

Fulfilling the Council’s statutory obligations with regard to Air Quality is referenced in the strategic plan, both in general terms and specifically in relation to the revocation of the Woodbridge AQMA. Being able to revoke an AQMA indicates that Air Quality has improved in the area covered by the AQMA. The report and appendices cover this in detail.

### **Equalities and Diversity:**

There are no implications for equality and diversity and no mitigating actions required.

### **Financial:**

There are no direct financial implications. If the Woodbridge AQMA is revoked, Air Quality monitoring will continue in the area as before for the foreseeable future.

**Human Resources:**

There are no HR implications.

**ICT:**

There are no ICT implications.

**Legal:**

The detailed technical guidance published as part of the statutory framework of Local Air Quality Management requires that we revoke this AQMA.

**Risk:**

Detailed studies of the evidence indicate revocation is a reasonable and appropriate course of action and advice from HM Government (Defra) is that revocation should proceed. There may be reputational risks associated with not pursuing revocation.

<b>External Consultees:</b>	The Department for Environment, Food and Rural Affairs (Defra) together with a Steering Group consisting of the following external consultees; Chief Executive Suffolk County Council, Senior Engineer Suffolk County Council, Health Protection Manager Suffolk County Council, Suffolk County ward councillor, Woodbridge Town Council ward councillor.
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## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>

P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<b>How does this proposal support the priorities selected?</b>			
<p>Local Air Quality Management is an important statutory function of a District Tier Authority. The Woodbridge AQMA is identified as a specific project on the Strategic Plan. Revocation reflects the improvements in air quality secured over the lifetime of the AQMA, which contributes to the health, well-being and protection of residents and visitors to the District, creating a healthy and attractive environment for sustainable development and inward investment.</p>			

## Background and Justification for Recommendation

<b>1</b>	<b>Background facts</b>
1.1	<p>Part IV of the Environment Act 1995 introduced the Local Air Quality Management regime that places a legal duty on local authorities to regularly review and assess air quality in their areas against Air Quality Strategy (AQS) objectives. The AQS objectives for England are set out in the Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002.</p> <p>Local authorities must declare an AQMA where any of the AQS objectives are exceeded and subsequently set out the measures they intend to put in place to secure compliance with the AQS objectives under an Air Quality Action Plan (AQAP). With effective implementation of the Action Plan and national policies aimed at reducing the emission of pollutants, it is expected that the air quality within AQMAs should improve to a point that concentrations will remain below the AQS objectives. A revocation of an AQMA can then be formally declared by Order under section 83 of the Environment Act.</p> <p>East Suffolk Council complies with this requirement in accordance with Technical Guidance (appendices) produced by the Department of Environment Food and Rural Affairs (Defra) and the resultant reports are published on the Council's Website.</p>

1.2	<p>Assessments undertaken in 2002 onwards, in accordance with the Defra technical guidance, indicated that the annual mean objective for nitrogen dioxide (NO<sub>2</sub>) set at 40µg/m<sup>3</sup> was being exceeded at 6 properties on the Western side of the Thoroughfare/Melton Hill arm of the junction with Lime Kiln Quay Road and St. John's Street in Woodbridge.</p> <p>As a consequence of this, Cabinet resolved to make the "Suffolk Coastal District Council Air Quality Management Area Order No.1, 2006" (Appendix A), which came into force on 3<sup>rd</sup> April 2006 (Report CAB 67/05 refers).</p>
1.3	<p>A required Further Assessment was produced in 2007 which confirmed the likely source of the NO<sub>2</sub> as local emissions from road vehicles. Extensive consultation with relevant stakeholders (the most significant being Suffolk County Council as Highways Authority) and the public was undertaken, and the final Woodbridge Junction Air Quality Action Plan (AQAP) was published in 2011 (Appendix B).</p> <p>The AQAP considered 79 options with 20 put forward for implementation. Microprocessor Optimised vehicle Actuation (MOVA) was installed on the traffic lights at the junction in 2011. This system works with sensors in the road to identify any arms of the junction with queueing traffic and allow increased green light timing for those arms. In this way the junction works to maximum efficiency. This measure helped with the extremes of queueing but did not provide the required reduction in NO<sub>2</sub> concentrations within the AQMA.</p> <p>Many other measures were investigated (from the AQAP and other suggestions) including a right-hand turning lane as you approach the junction from Melton Hill, installation of a mini-roundabout, restricting / moving car parking on Melton Hill, altering Thoroughfare traffic restrictions, weight restrictions for vehicles, school and business travel plans and tree planting.</p> <p>In 2014 &amp; 2015 additional studies were undertaken to help advise on which measures Suffolk County Council should direct their funding towards. The studies included local meteorology investigations. The conclusions reached were that the junction layout on the Melton Hill arm close to the traffic lights is such that it creates a much lower wind speed than expected and the wind direction is slightly altered from the norm for this area. The studies suggest that vehicle emissions are therefore being 'funnelled' along Melton Hill away from the junction due to the unusual wind direction and then dispersed very slowly due to the low wind speeds and canyon like effect of the buildings on either side. The studies concluded that the Action Plan measures were unlikely to have any significant impact and needed updating; however, the evidence 'on the ground' began to show a decline to levels of NO<sub>2</sub> below the Air Quality Objectives.</p>

## 2 Current position

2.1	<p>NO<sub>2</sub> concentrations within the AQMA have been reducing since 2006 and from 2014 have now been below the National AQS objective level of 40 µg/m<sup>3</sup> for seven consecutive years. Maximum annual average NO<sub>2</sub> concentration for 2019 was 34µg/m<sup>3</sup> and 2020 was 25.2µg/m<sup>3</sup>. Please note that care must be taken when looking at 2020 figures due to the reduced traffic flows associated with the Covid-19 lockdowns. This has been considered carefully in the revocation assessment.</p>
2.2	<p>In response to our 2019 Annual Status Report on air quality for Defra, they recommended that we considered revocation of this AQMA. In response to our</p>

	2020 Annual Status Report, Defra were firmer in their stance and advised that the revocation of this AQMA was now overdue.
2.3	<p>The revocation process necessitates an assessment to confirm that revocation is the correct course of action, and this must be approved by Defra. The revocation assessment must confirm that the National AQS objectives are now being met and that this is predicted to continue in the future.</p> <p>The revocation assessment (Appendix C) has been undertaken and sent to Defra within the ESC Annual Status Report 2021 (Appendix D) for their comments and confirm this.</p> <p>The assessment considers;</p> <ul style="list-style-type: none"> <li>• national trends and policies surrounding NO<sub>2</sub> emissions concluding that the transition to ultra-low and zero emission vehicles presents the largest potential for future reductions in road traffic emissions within this AQMA.</li> <li>• regional factors such as the Local Plan, local planning policies, the Local Transport Plan and the ESC Air Quality Strategy.</li> <li>• local factors – the Development Consent Orders (DCOs) for Sizewell C, East Anglia ONE North and TWO Offshore Windfarms and re-development of the ex-District Council Office site at Melton Hill.</li> </ul> <p>With regard to the local factors;</p> <ul style="list-style-type: none"> <li>• the DCO's were assessed in detail, both individually and in-combination. No scenario was predicted to cause significant impacts within the Woodbridge AQMA.</li> <li>• The ex-District Council Office site gained planning consent in 2019, for which an air quality assessment was submitted and scrutinised by the Environmental Protection Team. The assessment indicated there would be fewer journeys through the AQMA with the proposed development in place than with the Council Offices in place. The Revocation Assessment concluded that there would be no significant negative implications for revocation of the AQMA.</li> </ul>
2.4	The revocation assessment predicts future NO <sub>2</sub> concentrations 5 years into the future within the AQMA, based on both 2019 and 2020 measurements. Using the 2019 dataset the highest predicted annual mean concentration of NO <sub>2</sub> within the AQMA in 2025 is 24.5ug/m <sup>3</sup> – within the Air Quality Strategy objective of 40ug/m <sup>3</sup> .
2.5	<p>The revocation assessment concludes that there is confidence that the Woodbridge AQMA can be revoked and recommends that this should happen, in line with Defra requirements.</p> <p>The assessment has been sent to Defra and their comments are as follows;  <i>'It is considered, given the scale of the AQMA and the evidence of consistent monitoring below the Air Quality Objective, prior to 2020, that sufficient evidence is presented to revoke the AQMA.</i>  <i>Following the completion of this report, East Suffolk Council should proceed with the revocation of the AQMA no.1.'</i></p>

### 3 How to address current situation

3.1	It is considered by officers that all the technical evidence supports revocation, the next step being a full public consultation on our intention to revoke this AQMA. Consultation responses will be considered, and a final decision made, under the
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	<p>terms of delegated authority to the Head of Service, in consultation with the Cabinet Member for the Environment on Revocation of the Order.</p> <p>In the event Revocation is approved, Defra will be formally notified, details will be publicised on our Website and a press release prepared and issued.</p> <p>Statutory consultees as stipulated by Defra include Chief Executive Suffolk County Council, Senior Engineer, Suffolk County Council; Health Protection Manager, Suffolk County Council, and Local Constituency County, District and Town Councillors. The consultation is also open for public comment.</p>
3.2	<p>Air quality monitoring will continue at our current sites within Woodbridge, including the continuous analyser situated at the junction, for the foreseeable future to ensure that we are able to keep a close eye on this location and respond to any unexpected upwards trends in pollutants. This will be particularly important given the likely impact of developments in the area including DCOs (proposed and already consented) and major works to the A12 passing Woodbridge.</p> <p>The Council's recently published Air Quality Strategy will effectively supersede local action planning work in the event of revocation, ensuring continued air quality improvements beyond statutory designations.</p>

#### 4 Reason/s for recommendation

4.1	Compliant with Statutory Technical Guidance and Defra advice; the next lawful and logical step to take.
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## Appendices

### Appendices:

<b>Appendix A</b>	The Suffolk Coastal District Council Air Quality Management Order No.1, 2006
<b>Appendix B</b>	Air Quality Action Plan for the Woodbridge Junction 2011
<b>Appendix C</b>	Woodbridge AQMA Revocation Assessment 2021
<b>Appendix D</b>	Advice from Defra on the proposed revocation of the "Suffolk Coastal District Council Air Quality Management Area Order No.1, 2006"

### Background reference papers:

Date	Type	Available From
April 2016	LAQM.TG(16) – Defra Technical Guidance	<a href="https://laqm.defra.gov.uk/documents/LAQM-TG16-April-21-v1.pdf">https://laqm.defra.gov.uk/documents/LAQM-TG16-April-21-v1.pdf</a>
April 2016	LAQM.PG(16) – Defra Policy Guidance	<a href="https://laqm.defra.gov.uk/documents/LAQM-PG16-April-16-v1.pdf">https://laqm.defra.gov.uk/documents/LAQM-PG16-April-16-v1.pdf</a>