

REPORT TO CABINET

Open/Exempt		Would any decisions proposed:			
Any especially affected Wards	Mandatory/	Be entirely within Cabinet's powers to decide		YES/NO	
	Discretionary /	Need to be recommendations to Council		YES/NO	
	Operational	Is it a Key Decision		YES/NO	
Lead Member: Cllr Michael de Whalley E-mail: cldr.michael.dewhalley@west-norfolk.gov.uk		Other Cabinet Members consulted:			
		Other Members consulted: None			
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial: 015530616302		Other Officers consulted: David Alford, Matthew Henry, Stuart Ashworth, Alex Fradley, Jemma Curtis, Martin Chisholm, Becky Box			
Financial Implications YES/NO	Policy/ Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO	Environmental Considerations YES/NO

Date of meeting: 17th September 2024

AIR QUALITY ACTION PLAN REVISION

Summary

This report puts forward a revised Air Quality Action Plan (AQAP) for adoption in relation to the Railway Road/ London Road Air Quality Management Area (AQMA). The revised AQAP follows statutory guidance LAQM PG (22) issued by DEFRA. The mitigation measures have been reviewed and updated with input from Norfolk County Council Highways and Public Health departments. A review of the Gaywood Clock shows Nitrogen Dioxide (NO₂) levels have improved and an AQMA is no longer required at that location.

Recommendations

Cabinet Resolves:

1. Adopt the Air Quality Action Plan for Railway Road/ London Road attached as Appendix 1
2. Revoke existing Gaywood Air Quality Management Area

Reason for Decision

The Council is required to update the AQAP every five years. The Gaywood Clock AQMA no longer exceeds the National Air Quality Objective annual mean objective for Nitrogen Dioxide and should be revoked.

1 Background

- 1.1 This report sets out the basis for the review and update of the Council's Air Quality Action Plan (AQAP).
- 1.2 The Council is required to have an AQAP as it has previously declared two Air Quality Management Areas (AQMA).
- 1.3 The levels of Nitrogen Dioxide (NO₂) have shown a downward trend over the last several years, whilst the covid pandemic saw a further reduction during 2020 & 2021, there has been no significant post pandemic bounce back. Current NO₂ levels remain below the pre-pandemic levels.

2 Options Considered

- 2.1 A long list of options have been considered, and these have been included as part of the background papers. The measures considered follow Statutory Guidance and current best practice. These measures need to take into consideration the main sources of the NO₂, therefore they have focused on road transport mitigation.
- 2.2 The measures included in the draft plan are proportional to the current NO₂ levels and many measures were screened out as unnecessary due to the current NO₂ levels not breaching the annual mean objective in either AQMA.
- 2.3 Options have been reviewed with input from Borough Council staff and Norfolk County Council Highways and Public Health departments.
- 2.4 The draft AQAP puts forward 13 measures.

3 Policy Implications

- 3.1 The draft AQAP follows DEFRA's Local Air Quality Guidance Policy Guidance LAQM. PG 22.
- 3.2 The draft AQAP has been circulated to Norfolk County Council Highways and Director of Public Health for their review.
- 3.3 A copy of the draft AQAP has been submitted to DEFRA for their consideration. DEFRA have indicated the AQAP will be reviewed once it has been adopted.
- 3.5 The draft AQAP has been subject to a public consultation from 3rd January to 1st March 2024 which included an online questionnaire and two Officer led face to face public drop ins held at Gaywood Library and Central Library in King's Lynn.

- 3.6 A summary of the public consultation responses are included as a background paper.
- 3.7 The public consultation shows strong public approval for the draft AQAP and its 13 measures.
- 3.8 A further review of the Railway Road/ London Road AQMA will be carried out once the options to the Southgates Masterplan and Gyratory system have been completed. Once these final traffic flows have been determined, we will be able to review the overall air quality impacts, including the proposed West Winch housing growth area. We can then determine if the current Railway Road/ London Road AQMA should remain, be amended, or revoked.
- 3.9 No policy implications have been identified and several Council projects such as reviewing the car park strategy or staff travel plan have been included as measures in the draft AQAP.
- 3.10 Whilst the draft AQAP follows DEFRA LAQM statutory guidance, it also links to the “Protect our environment” policy listed in the Borough Council’s Corporate Strategy.

4 Financial Implications

- 4.1 A funding overview is attached to show how the various measures will be funded.

5 Personnel Implications

- 5.1 None identified. The AQAP will can be implemented with existing staffing resources.

6 Environmental Considerations

- 6.1 The measures included in the draft AQAP are proportional to the current NO₂ levels within both AQMA’s. There has been a steady reduction within both AQMA’s and at other monitoring locations within the King’s Lynn urban area.
- 6.2 As part of previous reviews, it was found that the level of NO₂ exceeded the annual mean objective levels within King’s Lynn and two AQMA’s have been declared.
- 6.3 A Source Appointment study has identified the main source of the NO₂ within both AQMA’s to be road transport, namely cars within the Gaywood Clock AQMA and car and buses within the Railway Road/London Road AQMA.

- 6.4 The falling levels of NO₂ will help improve the wellbeing of local residents living within both AQMA, especially if they suffer from respiratory conditions such as asthma, COPD, heart, or circulatory issues as elevated of NO₂ can exacerbate existing respiratory conditions.

7 Statutory Considerations

- 7.1 The Council has a statutory duty under Part IV of the Environment Act 1995 (as amended) to review and assess air quality within its district. DEFRA issue Statutory Guidance for Local Authorities to follow namely, LAQM. TG22 for technical issues and LAQM. PG 22 for policy matters.
- 7.2 If a Local Authority declares an AQMA then it shall also develop and adopt an Air Quality Action Plan to mitigate and reduce the level air pollution within the AQMA.
- 7.4 The current AQAP requires a periodic update and review every 5 years, and this report proposes an update of the AQAP.
- 7.5 Section 83 of the Environment Act 1995 states that when an AQMA is designated it may be subsequently revoked following a subsequent air quality review. There are more than five years of data showing compliance with the objective. The 2023 and 2024 Annual Status Reports both show that levels within the current Gaywood Clock AQMA do not exceed the nitrogen dioxide annual mean objective and therefore the AQMA is no longer required.

8 Equality Impact Assessment (EIA)

- 8.1 An EIA pre-screening template has been completed which is attached. The EIA did not identify any negative impacts but identified a positive impact for those with respiratory illness.

9 Risk Management Implications

- 9.1 The main risks associated with not proceeding with the adoption of the draft AQAP are: legal, environmental, and poor public relations.
- 9.2 This is a statutory duty, and we would face censure from Government if this is not pursued. DEFRA oversee this area and have through the Annual Status Report appraisal indicated that a review of the AQMA is required and requested an update on the need for the Gaywood Clock AQMA.
- 9.3 There are tangible environmental benefits from implementing this Action Plan. It will continue to improve the air quality within the most



Stage 1 - Pre-Screening Equality Impact Assessment

Name of policy/service/function	Air Quality Action Plan
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impacted areas of King's Lynn and the borough wide review of particles with Public Health will enable us to have a better understanding of levels across the district and their sources. This will in turn help determine what measures could be used to further improve air quality in those areas identified on the project.

- 9.4 Failure to act and implement this Action Plan could see poor public perception of the Council not considering its statutory duties and not following the results of the public consultation, which showed a high level of agreement with the draft AQAP.

10 Declarations of Interest / Dispensations Granted

- 10.1 None identified.


11 Appendices

Appendix 1 – Draft Air Quality Action Plan

12 Background Papers

Non-Technical Summary
Long List of Options
Consultations Responses
Funding Overview
DEFRA Guidance <https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf>

Question	Answer	Comments			
Is this a new or existing policy/service/function? <i>(tick as appropriate)</i>	New		Existing	X	
<p>Brief summary/description of the main aims of the policy/service/function being screened.</p> <p>Please state if this policy/service is rigidly constrained by statutory obligations, and identify relevant legislation.</p>	<p>The main aim is to reduce and mitigate emissions of Nitrogen Dioxide emitted from road transport within the Air Quality Management Areas so that levels meet the annual mean objective level of 40ug/m3.</p> <p>The policy has been completed so that it follows the statutory guidance issued by DEFRA on Local Air Quality Management.</p>				
Who has been consulted as part of the development of the policy/service/function? – new only <i>(identify stakeholders consulted with)</i>	<p>Norfolk County Council Highways and Public Health</p> <p>BCKLWN Departments include Property Services, Car Parks, Corporate Projects, Planning, Policy & Personnel</p> <p>Public Consultation held 3rd January to 1st March 2024.</p>				
Question	Answer				
<p>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups, for example, because they have particular needs, experiences, issues, or priorities or in terms of ability to access the service?</p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p> <p><i>If potential adverse impacts are identified, then a full Equality Impact Assessment (Stage 2) will be required.</i></p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Sex			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
Other (eg low income, caring responsibilities) Respiratory Illness	X				

<p>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</p>	<p>Yes / No</p>	<p>This policy will help improve air quality within both AQMA and not impact relations within the communities.</p>
<p>3. Could this policy/service be perceived as impacting on communities differently?</p>	<p>Yes-/ No</p>	<p>This policy will not impact communities differently. Removing the Gaywood Clock AQMA shows improving air quality.</p>
<p>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</p>	<p>Yes-/ No</p>	<p>Policy follows statutory role and DEFRA's LAQM guidance.</p>
<p>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</p> <p>If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	<p>Yes / No</p>	<p>Actions: None identified</p>
		<p>Actions agreed by EWG member:</p> <p>.....</p>
<p>If 'yes' to questions 2 - 4 a full impact assessment will be required unless comments are provided to explain why this is not felt necessary:</p> <p style="text-align: center;"></p> <p>Decision agreed by EWG member:26 July 2024.....</p>		
<p>Assessment completed by:</p> <p>Name</p>	<p>Dave Robson</p>	
<p>Job title</p>	<p>Environmental Health Manager</p>	
<p>Date completed</p>	<p>19th July 2024</p>	

Complete EIA Pre-screening Form to be shared with Corporate Policy (corporate.policy@west-norfolk.gov.uk)