

Crawley Borough Council

Report to Overview and Scrutiny Commission

8 March 2021

Report to Cabinet

10 March 2021

Proposed Extension of Crawley Air Quality Management Area Boundary

Report of the Head of Community Services, **HCS/25**

1. Purpose

- 1.1 To report the results of the consultation on a proposed variation to the designated boundary area of the Crawley Borough Council Hazelwick Air Quality Management Area made in 2015 (“the Hazelwick AQMA”).
- 1.2 To recommend that Cabinet approve the variation to the designated boundary area of the Hazelwick AQMA (as shown in Schedule 1 to Appendix A).
- 1.3 To request Cabinet make an Order to vary the designated boundary area of the Hazelwick AQMA in the terms of the draft order in Appendix A.

2. Recommendations

- 2.1 To the Overview and Scrutiny Commission:

That the Commission consider the report and decide what comments, if any, it wishes to submit to the Cabinet.

- 2.2 To the Cabinet:

The Cabinet is recommended to:

- a) Note and acknowledge that it appears following the annual review and assessment of air quality, that the annual mean nitrogen dioxide objective as specified in the Air Quality Regulations 2000 is not being achieved within the area outlined in red on the plan in Schedule 1 of Appendix A (comprising the whole of the designated area under the Hazelwick AQMA and an area adjacent thereto) and;
- b) Agree to extend the designated area of the existing Hazelwick AQMA by making an order pursuant to section 83 of the Environment Act 1995 in the terms set out in the draft at Appendix A.

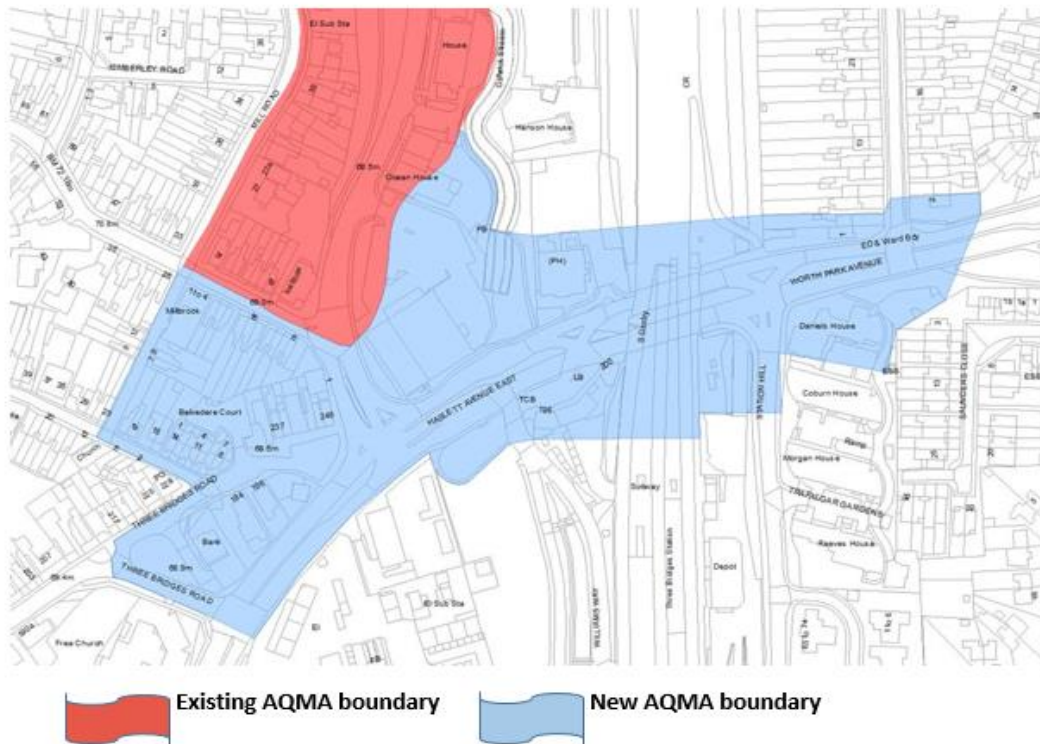
3. Reasons for the Recommendations

- 3.1 The council has a statutory duty under the Environmental Act 1995 to declare an Air Quality Management Area in areas where, following an air quality review, it appears that any of the National air quality objectives are not being met.
- 3.2 The Council monitors and reviews air quality across the borough annually to identify those areas where prescribed air quality objectives, are being, or are likely to be, exceeded. Having identified locations in this area that are exceeding the limits for annual average nitrogen dioxide, the Council has a duty to declare an AQMA.
- 3.3 Declaring the AQMA, enables an air quality action plan to be produced to target the sources of pollution in the locality and draw up measures to improve air quality in this area.

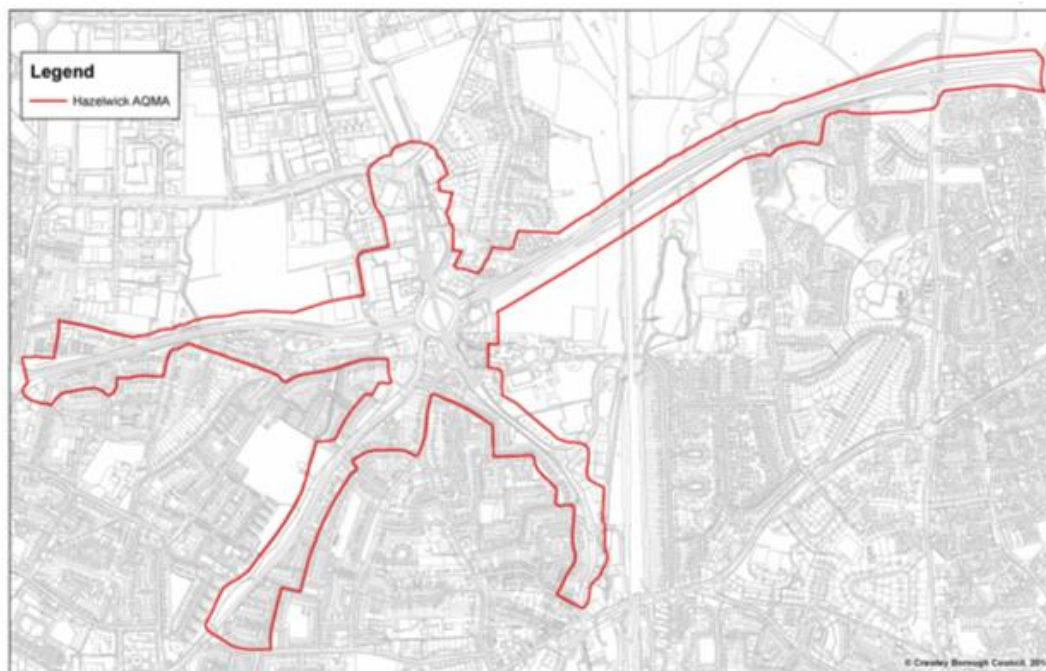
4. Background

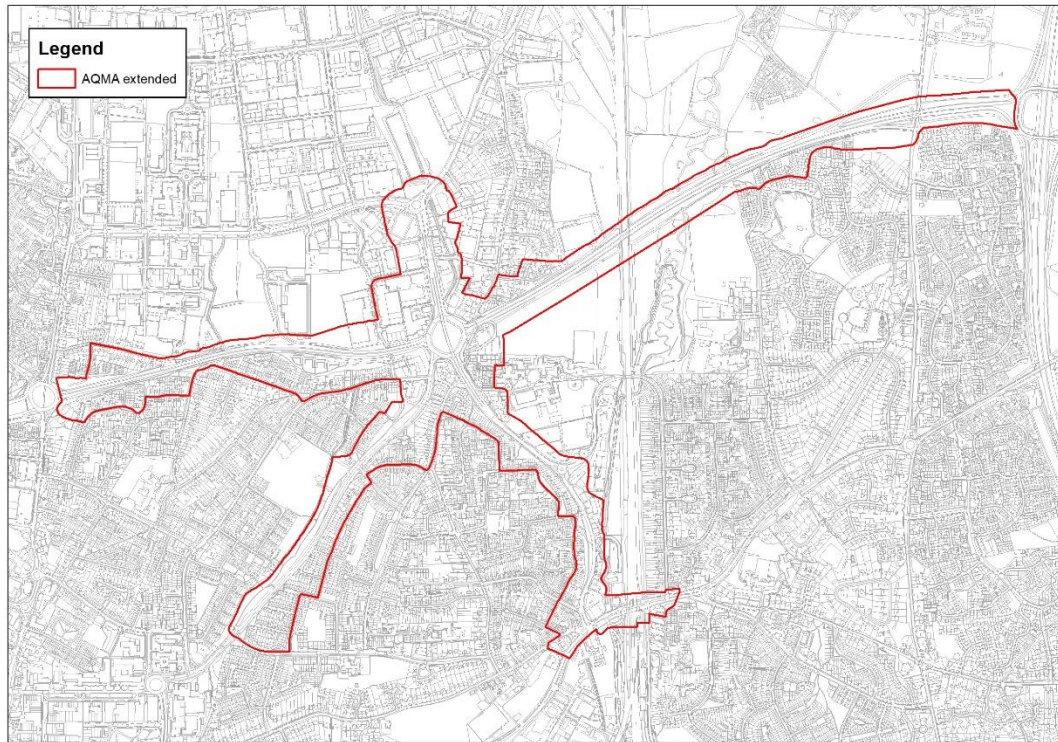
- 4.1 The Council designated the Hazelwick AQMA by order dated 9 July 2015. During the annual review and assessment of air quality, the area between Worth Park Avenue and Haslett Avenue East (A2220) in Three Bridges was identified as at risk of exceeding pollution limits for nitrogen dioxide (NO₂) due to high traffic volumes, peak hour congestion and proximity of some residential properties to the busy roadside. As a result, Environmental Health carried out additional pollution monitoring in the area and found that some locations along these roads were exceeding pollution limits for annual average NO₂.
- 4.2 These findings were reported to Defra in the 2019 Annual Status Report (ASR). In 2020 Defra confirmed our findings that an extension of the Hazelwick AQMA boundary was required and agreed that we should proceed using their fast-track declaration procedure. This means that further detailed modelling reports or assessments don't need to be submitted to Defra. However, public and statutory consultation was still required.
- 4.3 A four week online public consultation exercise was undertaken (18.01.21 -14.02.21) to raise the community's awareness of the statutory requirement to extend the Hazelwick AQMA area by varying the boundary. A 4-week consultation was also undertaken with statutory consultees: Public Health England, Defra, Environment Agency, WSCC and adjoining District and Borough Councils.
- 4.4 A copy of the consultation document is attached in Appendix B. It describes the Council's proposal to extend the boundary of its existing Hazelwick AQMA to include the Three Bridges area. If this decision is made, it would allow a coordinated approach to address air quality issues across all locations in a holistic manner. It gives focus to the traffic corridors that are contributing to the problem at specific locations within the area, and helps prevent the risk of solving air quality issues at one location and creating another elsewhere.
- 4.5 The proposed extended boundary area (shown in map below) includes roads and properties fronting *parts* of:
 - Worth Park Avenue from the junction of St Mary's Drive,
 - Haslett Avenue East to the junction of Three Bridges Road,
 - Three Bridges Road to New Street
 - New Street to Mill Road
 - Mill Road to Hazelwick Road
 - Hazelwick Avenue.

Option1 - Proposed Extension to Existing AQMA Boundary



Existing AQMA





5. Description of Issue to be Resolved

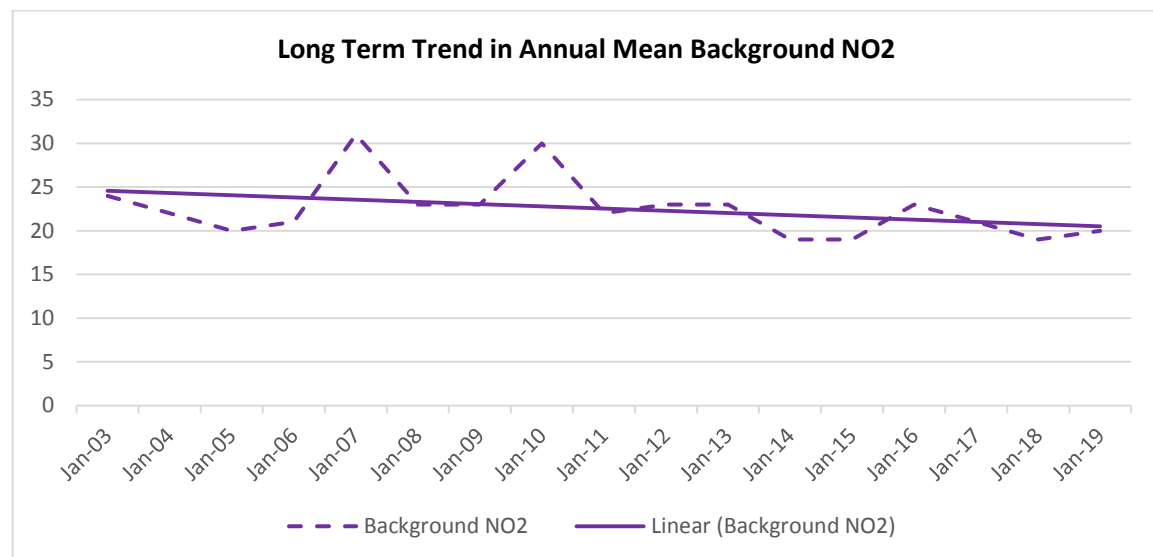
- 5.1 In 2019* measured levels of nitrogen dioxide were found to be above the national air quality objective for annual mean NO₂ at localised sites along the A2220 at Three Bridges. There is therefore a need to vary the Hazelwick AQMA to extend the boundary, due to the high level of nitrogen dioxide pollution from transport related sources in this area. [* Air quality monitoring data is produced a year in arrears – fully ratified data for 2020 will be available in the second quarter of 2021]
- 5.2 The Council has a statutory duty to declare an AQMA, or a variation to an AQMA, and take action to resolve exceedances of the air quality objectives where they have been identified at locations with relevant public exposure.

6. Information & Analysis Supporting Recommendation

Evidence to Support the Recommendations

- 6.1 There is a growing body of evidence for the impact of air pollution on our health. Nitrogen dioxide can irritate the lungs and lower resistance to respiratory infections, and a [report](#) by the Royal College of Physicians in 2016 suggests air pollution was a contributory factor in the equivalent of 40,000 deaths in 2015. Although, the response of individuals to air pollutants varies widely, and other factors such as smoking and diet may influence the incidence of respiratory disease, long term exposure to air pollution is a real health burden and it affects everyone. It is therefore important for public health to continue to improve air quality.

- 6.2 The Council measures air quality and report the findings on an annual basis to Central Government via the Department of the Environment, Food and Rural Affairs (DEFRA). This [Annual Status Report](#) provides the evidence in support these recommendations
- 6.3 Air quality monitoring takes place at a network of sites across the borough. Air Quality in Crawley is mainly good. From data collected over the last 15-20 years we know that concentrations of pollutants in Crawley as a whole have fallen, and the long-term trend remain downwards. Improvements in engine technologies continue to contribute to this long-term trend.



- 6.4 However, monitoring data provides evidence of annual mean NO₂ above the 40µg/m³ limit at a small number of sensitive locations next to busy roads in the Three Bridges area, which therefore requires that this area must be declared an AQMA.
- 6.5 Previous studies have shown that road traffic emissions are the main cause of nitrogen dioxide pollution in these areas, and actions to reduce traffic emissions will have a positive impact on public health and improve air quality across the borough.
- 6.6 Current action plan measures are aimed at reducing traffic emissions through a range of methods including: improving sustainable transport infrastructure; traffic management; awareness raising; and planning and policy measures to encourage modal shift. Progress on these measure are updated annually in the annual status report ([ASR](#)) on air quality.
- 6.7 The Council needs to take action on air pollution to improve public health as well as to fulfil its statutory requirements under Environmental Act 1995

Consultation

- 6.8 The statutory consultation requirements for Local Air Quality Management are specified in Schedule 11 of the Environment Act 1995. This requires the Council to consult with a list of statutory consultees on any air quality review and assessment,

or further assessment of air quality in an air quality management area and on the preparation of an air quality action plan.

6.9 Statutory consultation was undertaken for a four week period from 18 January 2021 - 14 February 2021 with the public and with statutory consultees: Public Health England, Defra, Environment Agency, WSCC and adjoining District and Borough Councils (Reigate, Tandridge, Mole Valley, Horsham and Mid Sussex).

6.10 CMT and elected Members have also had an opportunity to comment on the proposal through the consultation process and the Ward Members have been contacted directly. The consultation document was also published in the [Councillors' Info Bulletin](#) on 03 February 2021.

6.11 The consultation period closed on 14 February 2021. The breakdown of the responses received were as follows:

- 1 from resident of Crawley:

I entirely supported the extension of the AQMA proposed and urged the Council to do more to discourage private and commercial vehicle use in the designated area and more widely. Air quality in Crawley has been bad for a long time and the health of residents is suffering in consequence.

The COVID 19 pandemic has reduced the air quality problem slightly but has encouraged a move away from public transport. Once the pandemic is over extra effort will be needed to win back and increase the use of public transport. My preference would be for the Council to set up its own bus company so that subsidies are not wasted in dividends for shareholders. A campaign of advertising to encourage bus and train use could be built on this. In addition a network of fast cycle tracks is needed for commuters and others. Commuters, particularly, will want to use cycle tracks that allow high speed travel and, for this purpose, they must be prepared to road carriageway standards and must allow right of way at junctions. These features can most easily be achieved by a cycle reserved lane as part of the carriageway, with bollards separating motor traffic from cycles. Bollards rather than any other barrier because cyclists will need to switch lanes to turn right.

It should be noted that providing fast cycle tracks for commuters is likely to result in greater leisure and other cycling too because once commuters realise the benefits of cycling they are likely to turn to it for leisure and for shopping, whereas the opposite does not hold. The aim should be to make cycling and public transport so attractive that people sell their cars.

- 1 from Department of the Environment, Food and Rural Affairs (DEFRA):

The Council is currently undertaking statutory consultation on the declaration of an extension to an existing AQMA prior to its formal declaration by legal order. Once a decision has been made it is important a new AQAP/updated is produced as soon as possible to reflect the changes in AQMA designation.

- 4 Acknowledgements from adjoining District/Borough Councils

Rejected Options

6.12 It was considered that there was no clear advantage in declaring a separate AQMA, since extending the current AQMA boundary to include the new area of exceedance will meet the statutory requirement and allow any additional measures needed to be

included in the review of the action plan. If a separate AQMA was declared, it would require a separate action plan which may result in duplication. Having separate action plans may also limit the council's ability to implement measures in a joined up way and risk addressing air quality issues at one location and creating another elsewhere.

7. Implications

Financial

- 7.1 The AQMA declaration process will be implemented and met by existing staff resources and budget.

Legal

- 7.2 Declaring an AQMA is a statutory requirement under the Environment Act 1995. Failure to make the declarations where evidence exists of exceedances of any air quality objectives would not be fulfilling our statutory duty. The Secretary of State has the power to direct local authorities under section 85 of the Environment Act 1995 to take specified steps which include declaring an AQMA.
- 7.3 In May 2018, the European Commission referred the UK to the Court of Justice of the EU (CJEU) in relation to the ongoing exceedances of the NO₂ limit values. These proceedings could result in the CJEU issuing large fines to the UK. The Secretary of State has already highlighted that these fines could be passed down to local authorities under the Localism Act 2011. It is currently uncertain what, if any, role the European Commission and CJEU will have in enforcing EU environmental laws in the UK now the UK has left the EU. If the Council fulfils its statutory duties under the Environment Act 1995, we will be able to show that we are working towards improving the air quality and reducing nitrogen dioxide levels within the area and reduce liability for these fines.

Planning and Neighbourhoods

- 7.4 The National Planning Policy Framework requires that when dealing with air quality matters planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.
- 7.5 The area of extension proposed crosses 3 ward boundaries; Three Bridges, Pound Hill North & Forge Wood and Pound Hill South & Worth wards.
- 7.6 There is no prescribed way to define the size and shape of an AQMA. Government guidance only requires, as a minimum, that an AQMA covers the areas where the objectives are not being met. However, practical considerations may mean that an AQMA covers a larger geographical area than just the area where pollution levels are elevated. It is nevertheless possible to amend the boundaries where future monitoring data supports such action. The annual review and assessment of air quality provides the process through which future amendment can be sanctioned.

Public Health and Wellbeing

- 7.7 The implications of an AQMA are to encourage positive steps to reduce vehicle emissions and improve public health by reducing the impact of long term exposure to air pollution.

Environment and Sustainability and Climate Emergency

- 7.8 Declaration of AQMA is supported by measures in the Air Quality Action Plan, the need for sustainable travel within Crawley's Local Plan and the developing Climate Emergency Action Plan. The extension of the AQMA was a recommendation in the Climate Change Scrutiny Panel Final Report.

Customer

- 7.9 The designation of an AQMA is a legislative requirement and is not an optional process. AQMA's are not subject to land searches and many other councils have declared AQMA's and to the best of our knowledge there have been no reported effects on property values.

Equality and Diversity

- 7.10 There have been no adverse impacts identified from the proposed change to the AQMA, on any of the protected characteristic groups defined under the Equality Act 2020.
- 7.11 Moving to extend the AQMA in this area is a constructive move as it identifies the need to improve air quality and enables development of an Action Plan to work towards achieving better air quality in the area, which will have a positive impact on public health for all groups of residents. In particular, the young, elderly and those with respiratory conditions will benefit as the air quality improves over time.

8. Background Papers

<https://crawley.gov.uk/environment/environmental-health/air-pollution/air-quality>

[http://laqm.defra.gov.uk/documents/LAQM-TG-\(09\)-June-14.pdf](http://laqm.defra.gov.uk/documents/LAQM-TG-(09)-June-14.pdf)

[Hazelwick Air Quality Management Area – PES/186 \(8 July 2015\)](#)

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