

TITLE	Air Quality Management Areas
FOR CONSIDERATION BY	The Executive on Thursday, 25 January 2024
WARD	(All Wards);
LEAD OFFICER	Director, Place and Growth - Giorgio Framaliccio
LEAD MEMBER	Executive Member for Environment, Sport and Leisure - Ian Shenton

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

To ensure the council is compliant with Environment Act 1995 and statutory policy and guidance with respect to Local Air Quality Management. To achieve this compliance, progress the revocation of two out of the three Air Quality Management Area (AQMA) Orders in the borough.

For both Twyford and M4 AQMA's 3 years and 5 years of data respectively, show achievement of the annual mean objective nitrogen dioxide levels. Full details of the robust supporting data are provided in the Revocation Report attached (Nov 2023).

Statutory guidance states that where local authorities have three years of compliance, they should consider revocation. Where there is five years compliance there should not be any AQMA's in place. Twyford has three clear years compliance data and the M4 has 5 clear years compliance data. Therefore, Defra's annual status report appraisal has recommended that these orders are revoked.

The report contributes to the Community Vision of making Wokingham a great place to live, learn, work and grow. Residents will benefit from the knowledge that air quality has improved substantially, to meet objectives in two Air Quality Management Areas.

It contributes to enriching lives, by providing an environment of good air quality to support healthy lives.

It acknowledges the achievements so far in respect of reducing nitrogen dioxide pollution, whilst recognising that there is still more to do, to ensure all the Borough, including Wokingham Town Centre meets the air quality objectives. Wokingham Borough Council is committed to continuing to reduce concentrations of all air pollutants across the whole borough.

RECOMMENDATION

The Executive is requested to:

- 1) Approve commencement of the revocation process in respect of the Air Quality Management Area Order in Twyford Town Centre.
- 2) Approve commencement of the revocation process in respect of the Air Quality Management Area Order along the M4 motorway.

- 3) Delegate responsibility to the Director of Place and Growth in consultation with the Executive Portfolio Holder to progress the revocation process to conclusion of revocation of the Orders (in conjunction with legal services).
- 4) Note that relevant stakeholders including the Act's statutory consultees will be informed of the revocations.
- 5) Note that the revocations, will impact on the review and update of the Air Quality Action Plan for Wokingham Borough Council (which will be subject to separate development and consultation in accordance with the Act)
- 6) Note that Wokingham Borough Council will retain a statutory responsibility to have an up-to-date Air Quality Action Plan, as an AQMA will be retained for Wokingham Town Centre, but that under the LAQM framework an Air Quality Strategy is not a statutory requirement, where a Council has a statutory responsibility to have an Air Quality Action Plan.

EXECUTIVE SUMMARY

Three Air Quality Management Areas have been declared in Wokingham Borough Council – M4, Twyford and Wokingham Town Centre for exceedances of the annual mean nitrogen dioxide objective.

Air quality has improved across the Borough, since the declaration of the respective AQMAs, both along the M4 and in Twyford. It is deemed to have improved to an extent that in line with the statutory guidance on AQMAs, it has been recommended by Defra that these 2 AQMA's are revoked. Should the revocations guidance not be followed, the Secretary of State has powers, which can be triggered, resulting in a direction being issued for the council to comply with the recommendation that has been set out. Following the agreement for respective revocations for Twyford and the M4, air quality monitoring will take place on a reduced scale and frequency.

The Wokingham Revocation Report (November 2023) prepared by the Public Protection Partnership on behalf of Wokingham Borough Council details the robust scientific evidence basis to support the two revocations and outlines the process to be taken to effect revocation.

An Action Plan for the retained AQMA in Wokingham Town Centre, will require updating and consideration of additional actions to achieve the objectives. This will be subject to a separate process, which will include statutory consultees.

BACKGROUND

The Environment Act 1995 places a legal duty on all Local Authorities to regularly monitor the levels of Air Quality within their borough and identify areas where the Government's air quality objectives are likely to be exceeded.

Within Wokingham Borough Council area, Nitrogen Dioxide (NO₂) has been identified as a pollutant of concern. This is a pollutant that is produced by vehicles. The Government's objective for NO₂ is an annual average of no greater than 40ug/m³ (micrograms per cubic metre). If monitoring identifies high levels of NO₂, then the objectives are likely to be exceeded, and further action is required. Where exceedance are identified, the Local Authority is required to declare an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan (AQAP) setting out the measures that will be taken to improve Air Quality in the AQMA.

The Local Air Quality Management (LAQM) Framework has required Local Authorities to carry out regular reviews of Air Quality in their areas since 1998. These reviews used to be known as the Updated and Screening Assessment (USA) reports. The USA has now been replaced with the Annual Status Report (ASR), which provides an overview of air quality and fulfils the requirements of Local Air Quality Management (LAQM) as set out in Part IV of the Environment Act (1995) and the relevant Policy and Technical Guidance documents.

Local air quality reviews have led to Wokingham Borough Council declaring three Air Quality Management Areas, known as:

M4 AQMA
Twyford Town Centre AQMA
Wokingham Town Centre AQMA

The M4 AQMA was declared for the NO₂ annual mean in 2001 and amended in 2004. It is a Zone 60m either side of the M4 from the Council's boundaries with Reading Borough Council (in the west) & Royal Borough Windsor & Maidenhead (in the East), it runs throughout the borough including an extended area along the A329 Reading Road where it underpasses the M4.

The Twyford Crossroads AQMA was declared for the exceedance of annual mean NO₂ in 2015. It includes the residential and commercial properties along parts of High Street in the west, Wargrave Road in the northwest, London Road in the north-east and Church Street the south-east.

The Wokingham Town Centre AQMA was declared for the exceedance of the annual mean NO₂ in 2015. It includes properties, along a small part of Reading Road and Station Road in the north-west, along Shute End and into Broad Street to the front of 44-52 Denmark Street, in the south-west, and along Peach Street into London Road ending at the junction with London Road and Seaford Road in the West.

Action Plan

An Air Quality Action Plan (AQAP) is required where local authorities have declared AQMAs. A combined AQAP for the AQMAs was developed, approved, and published in

2018. Measures in the plan, have been implemented since that time, with the Annual Status Reports providing updates on progress with implementation.

Recent Air Quality Data

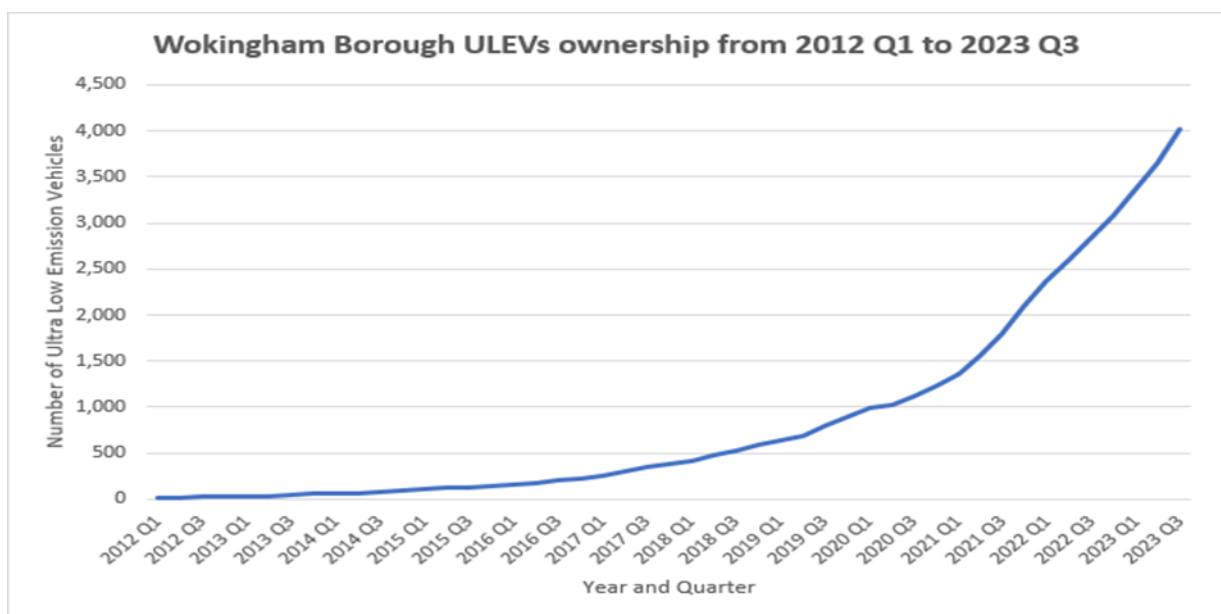
Monitoring and assessment of air quality has continued intensively in the AQMAs, along with less intensive monitoring at selected locations around the borough outside of the AQMAs.

For two of the AQMAs – Twyford and M4, the recent nitrogen dioxide levels show that the annual mean objective value is being met, and having regard to recent trends, and the levels being well below the objective value, there is sufficient confidence that the objective will continue to be met, that it is appropriate to revoke these two AQMAs. Full details of the robust supporting data are provided in the Revocation Report (Nov 2023).

The recent data for Wokingham town centre AQMA, as detailed in the latest Annual Status Report, shows that the annual mean objective value is being met, but that having regard to recent trends indicating an increase in concentrations, and the margin of achievement of the objective, there is not currently sufficient confidence that the objective will continue to be met, and therefore at the current time it is not appropriate to revoke this AQMA.

Future Vehicle Use Considerations.

Future patterns and type of vehicle use will have an impact on local air quality in AQMA areas and should be noted, especially in the post pandemic period. One key factor is the use of electric vehicle's and ultra-low emissions vehicles, which is set to increase nationally and across the southeast, this is anticipated to have a positive impact on the borough. Local ultra-low emission vehicle ownership data informs us that there has been an increase in local ownership levels of this type of vehicle (see charts below). In addition, the council has a commitment to increase accessibility to electric charging points and to support more active travel initiatives as set out in its draft Local Transport Plan (LTP4) all factors that are anticipated to have a positive effect on air quality locally.

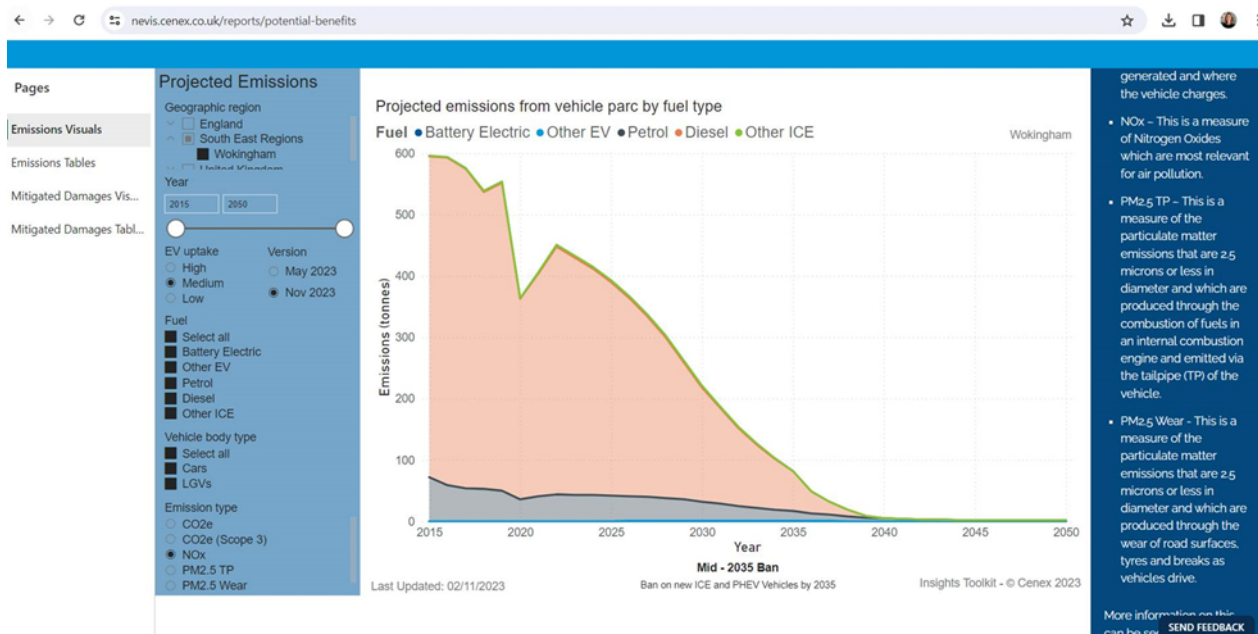


The Chart above shows Ultra Low Emission Vehicles (ULEVs) ownership in the Borough between 2012 and 2023. The following table is a summary of Wokingham Borough's ULEVs Penetration in Total Licensed Vehicles from 2020 to 2023.

Wokingham Borough ULEVs Penetration in Total Licensed Vehicles from 2020 to 2023

	2023 Q3 total	2022	2021	2020
Total ULEV's	4,017	3,070	2,091	1,229
Total Licensed	118,243	116,571	115,029	113,777
ULEV's Penetration %	3.40%	2.63%	1.82%	1.08%

In respect of Nitrogen Oxides and projected emissions, the chart below shows predictions based on current national policy in relation to the sales and production of internal combustion engines. However, it should be noted that these are a working assumption based on current policy.



Revocation

DEFRA's appraisal (Aug 2023) of the last Annual Status Report, states that there is sufficient evidence to revoke Twyford and the M4 AQMAs.

To formally revoke the AQMAs, Wokingham Borough Council must issue orders for each respective declared AQMA.

A revocation can be completed without public consultation. The requirement is for the revocation to be widely accessible, and for the statutory consultees to be informed.

It is WBCs intention to inform residents on the revocation, with a letter drop to properties located within the two AQMAs, and to inform statutory consultees and stakeholders at least 4 weeks prior to issuing the revocation orders. The information will also be available to the general public on the WBC website.

Neighbouring Local Authority Picture 2023

South Oxfordshire Council are in the process of revoking 2 out of 3 AQMA's, Bracknell Forest Council, is revoking 1 out of 2 AQMA's, West Berkshire Council is revoking 2 out of 2. Overall, this reflects a trend of general improvements in air quality across the West of Berkshire.

Impact and future air quality monitoring and assessment

Revocation of two AQMAs will enable the intensity of monitoring to be reduced. WBC will still be required under the LAQM regime to provide annual status reports. These can only be informed by a degree of monitoring taking place at former AQMAs and at selected locations across the borough. As there will be a retained AQMA, the intensity of monitoring in this AQMA will continue, and inform the ASR.

Where there is an AQMA local authorities are required to have a current Air Quality Action Plan, and whilst progress with implementation is included in the ASR each year, a review and update of the AQAP should occur at least every 5 years. WBC currently have a combined AQAP. This requires review and update and will need to be developed with focus on the retained AQMA, whilst including generic measures to contribute to ongoing compliance and achievement of all the air quality objectives across the borough. Work commenced on this in 2023 - This will be progressed in 2024 with adjusted focus.

Under the LAQM framework, an Air Quality Strategy, is only required where a local authority does not have an Air Quality Management Area. Therefore, with the retention of an Air Quality Management Area, Wokingham BC is not required to have a statutory Air Quality Strategy.

The Council is committed to continue working toward reducing the concentrations of all air pollutants to achieve the Air Quality Objectives as stated in the Environment Act 2021.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

The Council faces unprecedented financial pressures as a result of; the longer term impact of the COVID-19 crisis, Brexit, the war in Ukraine and the general economic climate of rising prices and the increasing cost of debt. It is therefore imperative that Council resources are optimised and are focused on the vulnerable and on its highest priorities.

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil	N/A	N/A
Next Financial Year (Year 2)	Nil	N/A	N/A
Following Financial Year (Year 3)	Nil	N/A	N/A

Other Financial Information

No other financial implications of this report.

Legal Implications arising from the Recommendation(s)
There are possible legal implications if the decision to proceed with the revocation orders is not agreed as the Council may be in breach of the Environment Act 1995, and the recommendations of Defra (which WBC are expected to have regard to, as detailed in the statutory Policy and Technical Guidance). The Secretary of State may proceed to issue a Direction under section 85 of the Act requiring the revocation of the AQMA orders by WBC.

Stakeholder Considerations and Consultation
Relevant stakeholders and statutory consultees (sch 11 of Act) will be informed of the revocation (s4.11 LAQM PG22), and the revocation orders will be made available to the public.

Public Sector Equality Duty
An Equalities Impact Assessment has been approved by the Inclusion Team.

Climate Emergency – *This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030*
None

Reasons for considering the report in Closed Session
Not being considered in closed session.

List of Background Papers
Revocation Report – November 2023
Defra comments ASR 2023
Annual Status Report 2023

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