

Introduction

This briefing note was compiled by Bristol City Council's Department of Environment, Transport and Leisure to provide answers to some of the questions which might be raised by elected members and members of the general public. It makes no claims to giving answers to all questions which may be raised in the process of Air Quality Management Area declaration but it is hoped that it may be assistance to other Local Authorities involved in this process.

The briefing note has been left in the form in which it was presented to Bristol's elected members and as such will inevitably contain elements which are specific to Bristol. It was felt that this approach was preferable to trying to concoct a more generic briefing. Please feel free to use this document as a basis for your own briefing notes and to make whatever changes are necessary to reflect your local circumstances.

David Muir.

AIR QUALITY MANAGEMENT IN BRISTOL

The Need for Air Quality Management

Air pollution from traffic in Bristol, in common with other large cities, is an important issue and one of great public concern, with some 85% of the 5000 respondents to the LTP consultation expressing worry over air pollution in the city. Large numbers of people are exposed to levels of air pollution that are recognised by government experts to be potentially damaging to human health. The City Council has drawn up an Air Quality Strategy that seeks to protect the health of the public by ensuring that "the air breathed by the citizens of Bristol is of the highest quality possible" (see appendix 3.6 of the Bristol Local Transport Plan p.125).

Legislative Background

The Air Quality Management process is guided by a series of government legislation. The Environment Act 1995 and the subsequent Air Quality Regulations 1997, amended by the Air Quality Regulations 2000, created a duty for all Local Authorities to review and assess air quality in their areas. The Act also required the Secretary of State for the Environment to prepare a National Air Quality Strategy. The first stage of this process was to identify both roads that carry large volumes of traffic and/or which are heavily congested and sources of industrial pollution. If one or more of these were found then further, more detailed, work was required to assess the current levels of pollution for seven pollutants and to predict the likely concentrations of these at a number of target dates assuming certain national measures. If these predictions showed that the objectives were unlikely to be achieved by the national measures alone then the Local Authority would be required to declare one or more Air Quality Management Areas (AQMA) where local measures would be taken to try to ensure that the objectives would be met.

The Current Situation

Bristol City Council has now completed the final stage of the process outlined above and has prepared the technical report for the Department of the Environment, Transport and the Regions (DETR) which is required by the legislation. Expressed simply the conclusions of this report are that, given the national measures there are unlikely to be problems with meeting the objectives for five of the seven pollutants currently covered by the legislation. These are carbon monoxide, lead, sulphur dioxide, benzene and 1,3 butadiene. For the remaining two pollutants, nitrogen dioxide and particles as PM₁₀, there are areas of the city where it is predicted that the objectives are unlikely to be met by the target dates which are 31 December 2005 and 31 December 2004 respectively.

What does this mean?

The next step in the process is a consultation exercise with all interested parties. There are certain bodies, designated in the legislation as "Statutory Consultees", who **must** be consulted but it has been widely recognised that this bare minimum consultation is unlikely to be adequate where it is proposed that an AQMA is declared. The minimum suggested period for consultation is 6 weeks but it is proposed that the consultation in Bristol should extend until the end of the year to try to ensure the greatest possible input from interested parties.

What happens then?

At the end of the consultation period on the declaration of the AQMA a decision will have to be taken on the boundaries of the area. The official guidance issued by DETR and unofficial guidance from the National Society for Clean Air (NSCA), which has been recommended for use by DETR, both give a number of options for determining this boundary. These include using the exact predicted exceedance line, that line plus or minus an allowance for uncertainty in the prediction and using that line as a guide but using either “natural” boundaries such as roads or “political” boundaries such as electoral wards as the AQMA. When the boundaries have been decided an order must be made to declare the area and a further stage of Review and Assessment must be undertaken. In parallel with this an Air Quality Action Plan (AQAP) must be prepared and consulted upon. This Action Plan will be linked to the Local Air Quality Strategy. The further period of Review and Assessment will refine the mathematical modelling which has already been undertaken and will also address the question of whether there are specific “hotspot” areas where it may be necessary to take local measures additional to those in the main AQAP.

How important is the boundary of the AQMA?

This is a question with many answers depending in part on the point of view of the person asking it and in part on the reason for the declaration. In relation to the size of the area, from a strictly practical point of view if a relatively small AQMA is declared because of emissions from a single industrial process the boundary of the AQMA will be considerably more important than is likely to be the case where an extensive AQMA is declared because of road traffic emissions. The reason for this is that the AQAP in the first case will be wholly focussed on the industrial process whereas in the latter example, as is the case in Bristol, the AQAP will be addressing measures to be taken across a far wider area than the AQMA.

In relation to the location of the boundary, there may be a tendency for people to feel safe if they live outside the AQMA and unsafe if they live within it. The boundary or ‘cut off point’ has to be drawn somewhere, and in reality because air pollution disperses gradually air quality just inside the AQMA will be little different to the air just outside the AQMA.

From a health point of view, people living or working within the AQMA are exposed to a higher level of risk of suffering adverse effects from air pollution relative to those living outside of the AQMA. However this does not mean that those within the AQMA will necessarily suffer from noticeable effects or those living outside the area will not be affected by air pollution. Other views may be that living, working or operating a business inside an AQMA may have adverse effects on individuals or enterprises.

Is there any way to avoid declaring an AQMA?

The only circumstances under which there are no grounds for declaring an AQMA is when it is predicted that there is no likelihood of the objectives not being achieved. In theory if the City Council fails to meet the requirement to make the Secretary of State would use the reserve powers in the legislation to make the order on behalf of the Council and, if necessary, to have an AQAP prepared.

How will the boundaries of the AQMA be decided?

During the consultation period views will be gathered on where the boundaries of the AQMA might be drawn. If these views are generally consistent then it may be

possible to recommend a single clear option. In the more likely scenario of a number of options emerging then two or more options may need to be considered. As is stated above the question of where the boundaries of the AQMA are drawn is unlikely to have any significant impact on the AQAP.

Are concerns about “blight” justified?

These concerns, being largely a matter of perception, are inevitably highly subjective. A negative view could be taken that the declaration of an AQMA means that the area declared is “unhealthy” and in this case the answer would have to be “yes”. There are, however, other, more positive, ways of viewing the whole process. From the point of view of people living in the AQMA, some, if not most, of these will probably already feel that there are problems and the declaration will mean that measures will be taken to try to improve that situation and therefore is likely to be welcomed.

There will inevitably be some concerns from residents and businesses with regard to the health implications. However if people are properly informed of the relative risks and the benefits of cleaner air and the associated environmental improvements are considered then the AQMA designation is unlikely to have a significant ‘blight’ effect.

From the point of view of businesses there could be potential benefits because of the nature of the air quality objectives. These are set using health based standards and the whole Air Quality Management process is driven by a desire to improve health. At present considerable amounts of worker time is lost because of sickness, and it is believed that some part of this may be attributed to the effects of air pollution. If the declaration of an AQMA and development of an effective AQAP brings about a reduction in this loss of time there will be clear benefits to the business sector.

What measures will be taken?

At present little has been decided. The Local Transport Plan (LTP) contains a number of general strategies that will influence future air quality. The Environmental Management section (page 118) sets out a list of potential measures targeted specifically at improving air quality in the city. These will be subject to extensive consultation in 2001 as part of the development of the AQAP.

The success of the Action Plan will depend on widespread public awareness of the issues and on fully involving the public, businesses, media etc in choosing and helping to deliver the solutions.

What powers does the declaration of an AQMA confer?

Directly very few. The main consequence of the declaration of an AQMA is that any planning application for development within the area will have to be specially examined for air quality implications and that stricter conditions may have to be imposed on planning consents in respect of car parking, Travel Plans and other related issues.

Will this mean that development will be stifled?

There is no intention that this should happen. Recent years have seen considerable investment and development interest within the proposed AQMA. Regeneration of

the central areas supports a wide range of policy objectives and will continue to be encouraged where desirable. The AQMA designation may possibly influence the pattern, type or density of development and supporting transport measures, but it is unlikely to result in decreased development demand.

What will be the effects on areas outside the AQMA?

Bristol City Council's Local Air Quality Strategy aims to achieve improvements in air quality across the whole city. The initial minimum aim is to reach the National objectives in the AQMA and to achieve more stringent objectives in other areas of the city. In the light of this, and because the road traffic that is the principal source of air pollution in the AQMA originates from elsewhere in Bristol and outside of the city, the Action Plan will cover the entire City Council area. The Local Air Quality Strategy defines three categories of area where the minimum targets would be

- A) to achieve the national objectives;
- B) to improve on the national objectives by a certain percentage; and
- C) to improve on the national objectives by a greater percentage than in B.

An underlying aim of the process will be to ensure that improvements in air quality in the AQMA do not have adverse effects in other areas of the city.

Can the declaration or non-declaration of an AQMA be challenged?

Yes. As in all such cases there are opportunities to challenge the declaration of an AQMA through the legal process. This has been widely debated and there is a strong consensus that, provided the 'review and assessment' has been carried out in a reasonable fashion, any challenge would fail. The legislation and the associated DETR guidance does not require absolute proof that one or more of the objectives will not be achieved; merely the establishment of a likelihood that this will be the case. The mathematical modelling of air pollution is not and cannot be an absolutely exact science providing answers to several decimal places. What it can demonstrate is that there is a probability that the objectives set down will or will not be achieved. There would appear to be two main grounds on which a challenge could be sustained. The first is if the 'review and assessment' can be shown not to have been carried out reasonably or if the work is flawed. The other, more remote, possibility could be the case where the predicted concentrations were very close to the objectives and only covered a small area. This could attract challenges in both the cases of declaration and non-declaration of an AQMA. This type of challenge is highly unlikely in the Bristol case as the area where the objective for nitrogen dioxide is predicted not to be met is extensive.

Will measures to reduce pollution from road traffic be "anti car"?

No although it is inevitable that some people who will try to put this interpretation on such measures.

The Local Transport Plan highlights that the car is, and will continue to be, the dominant mode of transport in the city. However, road traffic is the main source of air pollution and therefore some change in travel behavior will be necessary if air quality is to be improved. Significant reductions in air pollution and improvements in health could be achieved relatively easily if widely adopted. For example if each car driver made one less car trip in 10 then the resultant decrease in traffic and levels of congestion would have a noticeable effect on air quality. Similarly if more people

shared trips or bought smaller engined cars, drove less harshly and used alternative fuels then emissions would be reduced.

The main aim of the Air Quality Management process, however, is to bring about improvements in health and given this any measures should be regarded as being “pro people”.

How can the City Council help in the process?

The air quality management process is one which will need contributions from all parts of the City Council. Although the largest part of the work will fall upon the Environmental Health Transport Planning and Land Use Planning professionals every officer and elected member will have a contribution, however small, to make.

It is important that the Council is seen to be leading by example, partly to overcome possible negative media coverage but more importantly to show that there are practical and acceptable ways of reducing the environmental impacts organisations have on the city. This will be achieved through the development of the Council’s own Travel Plans and by offering advice and support to other businesses.

What can be done about motorways and big industrial processes?

Local Authorities do not have any powers in respect of motorways, trunk roads or the larger industrial processes. Roads in either of these categories are the responsibility of the Highways Agency and large industrial processes are regulated by the Environment Agency. Both of these bodies are statutory consultees for the Air Quality Management process and so will be aware of the proposals for AQMA’s in Bristol. So far as the motorways are concerned discussions have been initiated on the possibility of detrunking part of the M32. If this happens then the City Council will have responsibilities for those parts which have been detrunked.