

**Portfolio Holder for Environment and Sustainability**

---



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG  
24 January 2017

For further information please contact

**Stephen Boyd**  
[steve.boyd@powys.gov.uk](mailto:steve.boyd@powys.gov.uk)  
01597 826374

**NOTICE OF INTENDED PORTFOLIO HOLDER DELEGATED  
DECISION**

The Portfolio Holder has received the following report for a decision to be taken under delegated authority. The decision will be taken on **30 January 2017** (i.e. 3 clear days after the date of this note). The decision will be published on the Council's website but will not be implemented until 5 clear days after the date of publication of the decision) to comply with the call-in process set out in Rule 7.37 of the Constitution.

1.	<b>REVOCAION OF AIR QUALITY MANAGEMENT AREA ON NEW ROAD, NEWTOWN</b>
----	--

(Pages 3 - 8)

This page is intentionally left blank

**CYNGOR SIR POWYS COUNTY COUNCIL.****PORTFOLIO HOLDER DELEGATED DECISION****by****COUNTY COUNCILLOR JOHN T POWELL  
( PORTFOLIO HOLDER FOR FOR ENVIRONMENT AND  
SUSTAINABILITY)****Date: January****REPORT AUTHOR: Professional Lead-Environmental Health (Environmental Protection)****SUBJECT: Revocation of Air Quality Management Area on New Road, Newtown**

---

**REPORT FOR: Decision**

---

**1 Summary**

- 1.1 The Environment Act 1995 introduced a requirement on the UK Government to publish a National Air Quality Strategy which was to introduce National Air Quality Objectives and measures to improve ambient air quality. The legislation also requires local authorities to undertake periodic reviews of air quality in their areas, and where a National Air Quality Objective is unlikely to be met, they must establish an Air Quality Management Area.
- 1.2 In June 2007, a Detailed Assessment of levels of Nitrogen Dioxide within Powys was published which concluded that levels along part of New Road, Newtown exceeded the National Air Quality Objective. As a result, an Air Quality Management Area (AQMA) was declared on the 15<sup>th</sup> February 2008. A map showing the extent of the AQMA is provided in Annex 1.
- 1.3 Since then, the levels of Nitrogen Dioxide on New Road have been monitored and the results reported to Welsh Government. The results illustrated that the levels of Nitrogen Dioxide were declining over time and since 2012 have been below the National Air Quality Objective. On this basis, the latest Updating and Screening Assessment (USA) that was submitted to and accepted by Welsh Government recommended that the AQMA be revoked.

## **2 Background**

- 2.1 Part IV of the Environment Act 1995 places a duty on local authorities to periodically review and assess air quality within their area in relation to the following 7 pollutants:-
- Carbon monoxide
  - Benzene
  - 1, 3-butadiene
  - Lead
  - Nitrogen Dioxide
  - Sulphur Dioxide
  - Particulates
- 2.2 Local authorities have been carrying out reviews and assessments in their areas since 1997 with a view to determining if any areas are likely to exceed the National Air Quality Objectives.
- 2.3 The assessments involve screening areas to identify whether there are any areas where an Objective may be exceeded. Where this is likely, monitoring is undertaken.
- 2.4 Since 1999, Powys County Council has undertaken monitoring of Nitrogen Dioxide on New Road as initial screening identified possible exceedance of the Objective of 40µg/m<sup>3</sup> based on large traffic flows and the proximity of houses to the road. The levels of Nitrogen Dioxide are monitored using diffusion tubes which are mounted on streetlamps located between the road and the nearest dwellings.
- 2.5 The monitoring illustrated an increasing trend in Nitrogen Dioxide levels on New Road, Newtown, and in 2005 the National Objective of 40µg/m<sup>3</sup> was exceeded. A Detailed Assessment was subsequently commissioned which combined monitoring and modelling data which confirmed that the levels at 2 properties on New Road would be in excess of the Objective and recommended that an Air Quality Management Area (AQMA) be declared.
- 2.6 On the 15<sup>th</sup> February 2008 an Air Quality Management Area was declared encompassing 2 properties located on New Road.
- 2.7 Since then, monitoring on New Road has continued and up until 2011, levels of Nitrogen Dioxide continued to exceed the Air Quality Objective. However since then, there has been a steady decline in levels which mirrors predicted trends.
- 2.8 On the basis that there has been no exceedance of the National Air Quality Objective since 2012 it is recommended that the Air Quality Management Area be revoked.

### **3 One Powys Plan**

3.1 N/A

### **4 Options Considered/Available**

4.1 The alternative option would be for the Air Quality Management Area to remain in place and for the Council to continue to monitor Nitrogen Dioxide levels. However the legislative framework would not support this and would be in contradiction to the findings reported and accepted by Welsh Government.

### **5 Preferred Choice and Reasons**

5.1 To support the recommendation to revoke the Air quality Management Area

### **6 Sustainability and Environmental Issues/Equalities/Crime and Disorder,/Welsh Language/Other Policies etc**

6.1 N/A

### **7 Children and Young People's Impact Statement - Safeguarding and Wellbeing**

7.1 N/A

### **8 Local Member(s)**

8.1 The local members for Newtown have been informed of the proposal and have no objections.

### **9 Other Front Line Services**

9.1 N/A

### **10 Support Services (Legal, Finance, Corporate Property, HR, ICT, Business Services)**

10.1 Legal - the Professional-Lead has no comment on the fact that the recommended proposal for clarity sake is that the Air Quality Management Area is revoked for the New Road Newtown area only, as there is a statutory duty to have a general monitoring process county wide in place

10.2 Finance-The Finance Business Partner notes the content of the report.

## **10 Local Service Board/Partnerships/Stakeholders etc**

10.1 N/A

## **11 Corporate Communications**

11.1 Communications Comment: The report is of public interest and requires proactive news release and use of appropriate social media to publicise the decision.

## **12 Statutory Officers**

12.1 Strategic Director Resources (Section 151 Officer) notes the comments made by finance.

12.2 Deputy Monitoring Officer notes the legal comment and has nothing further to add.

## **13 Members' Interests**

13.1 The Monitoring Officer is not aware of any specific interests that may arise in relation to this report. If the Portfolio Holder has an interest he should declare, complete the relevant notification form and refer the matter to Cabinet for decision.

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>That the recommendation to revoke the Air Quality Management area on New Road in Newtown, be approved.</b>	<b>To comply with the provisions of the Environment Act 1995 and associated guidance.</b>

<b>Relevant Policy (ies):</b>			
<b>Within Policy:</b>	<b>Y / N</b>	<b>Within Budget:</b>	<b>Y</b>

<b>Relevant Local Member(s):</b>	<b>Cllr Joy Jones Cllr Russell George Cllr Peter Harris Cllr Bob Mills Cllr Gemma Jane Bowker</b>
----------------------------------	---

<b>Person(s) To Implement Decision:</b>	<b>Nia Wyn Hughes</b>
<b>Date By When Decision To Be Implemented:</b>	<b>As soon as is practicable</b>

Contact Officer Name:	Tel:	Fax:	Email:
Nia Wyn Hughes	01938551299	01938551248	niah@powys.gov.uk

**Background Papers used to prepare Report:**

**Annex 1**

