

Diversity Impact Assessment

TITLE <i>Name/description of the issue being assessed</i>	Declaration of Four Elms Hill Air Quality Management Area
DATE <i>Date the DIA is completed</i>	14 March 2017
LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Lucy Kirk

1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

Local authorities have a duty under the Environmental Act 1995 to declare an Air Quality Management Area (AQMA) where the air quality objectives are not being met. Monitoring and modelling has been undertaken in the area of Four Elms Hill. This has shown that annual average levels of nitrogen dioxide are above the Government's limits. The area must therefore be declared as an AQMA.

The council is required to undertake a statutory consultation on the AQMA declaration prior to the formal declaration of the AQMA by legal order. Schedule 11 of the Environment Act 1995 lists the statutory consultees on AQMA declarations.

Medway currently has three AQMAs. The current Air Quality Action Plan will subsequently be updated to include measures for the new area. If measured levels of nitrogen dioxide remain below the objective level for three consecutive years, the Council can revoke the AQMA.

The European Commission has commenced proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive and was issued a final warning in February 2017. If fines are imposed, the Government proposes to pass these on to local authorities. If the council does not undertake its statutory air quality duties, it will not be able to show that it is working to improve the air quality within the area and could be liable for these fines.

The pollutant of concern in Medway is nitrogen dioxide. Nitrogen dioxide is known to cause inflammation of the airways, reduce lung function and exacerbate asthma.

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2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

The Environment Act 1995 requires all local authorities to review air quality within their area. If any air quality “Objective” prescribed by regulations and in the National Air Quality Strategy is not likely to be achieved, then the local authority must designate the affected areas as AQMAs. The Act then requires an action plan to be produced for these designated areas, setting out the actions that the council intends to take to achieve the National Air Quality Strategy.

Air quality monitoring and modelling carried out by the council indicates that despite good air quality within most of the Medway Council area, the air quality objectives for nitrogen dioxide in some areas were not met, including that of Four Elms Hill.

In 2004 Medway Council declared six AQMAs and then in August 2010, following further consideration of air quality results, the Council consolidated the existing AQMAs along with newly identified areas into three AQMAs, These areas were designated as Central Medway AQMA, Pier Road, Gillingham AQMA and High Street, Rainham AQMA. The monitoring and modelling which has been undertaken in the area of Four Elms Hill, has shown that annual average levels of nitrogen dioxide are above the Government’s limits. The air quality objective for nitrogen dioxide is an annual average of 40µg/m³. The area must therefore be declared as an AQMA. There are approximately 24 properties within the new AQMA that are affected by poor air quality.

The council is required to undertake a statutory consultation on the AQMA declaration prior to the formal declaration of the AQMA by legal order. Schedule 11 of the Environment Act 1995 lists the statutory consultees on AQMA declarations. The consultation will include members of the public living within the properties identified in the assessment and any other relevant local groups (including MASH (Medway Asthma Self Help) and the Rural Liaison Committee) and will be undertaken for a period of 6 weeks. The consultation will include the extent of the AQMA which is to be declared.

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3 What is the likely impact of the proposed change?

Is it likely to :

- *Adversely impact on one or more of the protected characteristic groups?*
- *Advance equality of opportunity for one or more of the protected characteristic groups?*
- *Foster good relations between people who share a protected characteristic and those who don't?*

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age		✓	
Disability		✓	
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity		✓	
Race			
Religion/belief			
Sex			
Sexual orientation			
Other (eg low income groups)		✓	

4 Summary of the likely impacts

- *Who will be affected?*
- *How will they be affected?*

Local residents, including those within affected properties on Four Elm Hills, and local businesses will be impacted by the declaration of the AQMA. Moving to declare this AQMA is a constructive move for Medway Council as it identifies the need to improve air quality in respect of nitrogen dioxide and enables development of an Action Plan to work towards improving the air quality within the area, which will have a positive impact on residents' health and improve air quality within Medway. In particular, the young, elderly and all others that suffer from respiratory conditions will benefit as the air quality improves over time

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5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- *Are there alternative providers?*
- *What alternative ways can the Council provide the service?*
- *Can demand for services be managed differently?*

As part of the consultation/engagement exercise we will ensure that all statutory stakeholders and members of the public have the relevant information and are well informed. Overall responsibility for reducing the pollutant levels lies, ultimately with the council. Once the AQMA has been formally declared and the action plan measures have been formulated, the council will consult externally on the action plan to ensure that there are no negative impacts on any of the protected groups.

6 Action plan

- *Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence*

Action	Lead	Deadline or review date
Consultation on declaration of AQMA at Four Elms Hill	LAK/ SS	July 17
Formal declaration of AQMA at Four Elms Hill	LAK/ SS	September 17
Review current AQMA and see if measures are relevant to new AQMA at Four Elms Hill.	LAK/ SS	November 17
Amend AQAP to accommodate new AQMA and any new measures	LAK/ SS	November 17
Consult on AQAP internally and externally in order to seek their views on the plan and obtain any suggestions they have which can be included into the Plan.	LAK/ SS	January 18
Review the DIA taking into consideration feedback from external consultation.	LAK/ SS	March 18

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- *to proceed with the change implementing action plan if appropriate*
- *consider alternatives*
- *gather further evidence*

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

The Council is required to undertake a statutory consultation on the AQMA declaration prior to the formal declaration of the AQMA by legal order. I would recommend that this matter is considered by Cabinet.

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8 Authorisation

The authorising officer is consenting that:

- *the recommendation can be implemented*
- *sufficient evidence has been obtained and appropriate mitigation is planned*
- *the Action Plan will be incorporated into service plan and monitored*

Assistant Director

Date

Contact your Performance and Intelligence hub for advice on completing this assessment

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Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication