

Dorset Council Air Quality Management Area (AQMA) – Concise Revocation Report

Executive Summary

Dorset Council currently has two Air Quality Management Areas (AQMA) in place, one located along the A35 at Chideock, and a second in High East Street, Dorchester.

Dorset Council is proposing to revoke the AQMA in High East Street, Dorchester. The revocation is deemed as appropriate by Defra, the regulating body.

Revocation is a non-executive function and delegated authority is given to the Executive Lead for the Place Directorate.

Appropriate consultation has already been carried out and the findings are set out below.

If agreed, the decision will then be published, followed by the drafting and sealing of the Order.

This AQMA was declared in 2009 when the NO₂ annual mean was found to exceed 40µg/m³. An Air Quality Action Plan (AQAP) drawn up to improve the air quality in this area – the AQAP can be found [here](#). Since 2009 the NO₂ levels have generally declined in this management area.

Since 2019 the NO₂ levels have been consistently below the objective, and in 2023 were found to be 28.2 µg/m³. DEFRA have agreed with Dorset Council that the air quality has significantly improved, and a revocation is appropriate.

This document summarises the current situation and makes a recommendation to revoke the 2009 order.

Background

Part IV of the Environment Act 1995 (the Act) introduced the Local Air Quality Management regime that places a legal duty on local authorities to regularly review and assess air quality in their areas against Air Quality Strategy (AQS) objectives. The AQS objectives for England are set out in the Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002 and are available from the Defra UK AIR: Air Information Resource website.

Local authorities must declare an Air Quality Management Area (AQMA) where any of the AQS objectives are exceeded and subsequently set out the measures they intend to put in place to secure compliance with the AQS objectives under an Air Quality Action Plan (AQAP). With effective implementation of the Action Plan and national policies aimed at reducing the

emission of pollutants it is expected that the air quality within AQMAs should improve to a point that concentrations will remain below the AQS objectives.

AQMA for former West Dorset District Council , High East Street, Dorchester

The AQMA for High Street East, Dorchester was declared in 2009 by the former West Dorset District Council, when the NO₂ annual mean was found to exceed 40µg/m³ (see Appendix 1). The AQAP can be found [here](#). Since 2009 the NO₂ levels have generally declined in this management area. This is due in part to the AQAP, improvements in emissions from combustion engines, and increased use of electric vehicles on the roads.

As of 2019 the NO₂ levels have been consistently below the objective, and in 2023 was an annual mean of 28.2 µg/m³.

Legal Framework for Revocation

In September 2024 Dorset Council Environmental Protection consulted with Dorset Council's legal team to establish the correct process for revocation of this order.

Revocation is a 'local choice function': the Council can choose whether it is a decision for the executive (Cabinet / Cabinet member) or non-executive (Full Council / Committee / Officer) to make. In the Council's Constitution at 'Part 3 Scheme of Delegation - Functions of the Council', the responsibility for this function has been classed as a non-executive function (not a function of the Cabinet) and delegated authority has been given to the Executive Lead for the Place Directorate.

There is also a delegation to any other Officer to such extent as may be provided for in the Officer Scheme of Delegation – Part 3(ii) of the Constitution. However, there is no record of any delegation to other officers.

Therefore, this report is for the Executive Lead for the Place Directorate asking them to revoke the Order. Once the decision has been made to revoke the order, the Legal Team can seal it.

Each year Dorset Council produces an Annual Status Report (ASR), summarising our monitoring data, detailing the strategies employed to improve air quality and report on any progress that has been made. Dorset Councils ASRs can be found [here](#) on our website.

The report is scrutinised by DEFRA. In July 2023, in DEFRA's appraisal report, they stated.

*“The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. **Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.** Whilst Chideock AQMA still reports exceedances of the NO₂ AQS objective value, **Dorchester AQMA has been compliant for 4 years.**”*

Location	2019	2020	2021	2022	2023
High East Street 2 (W17)	24.8	17.2	17.3	24.0	23.8
High East Street 1 (W18)	36.4	23.6	21.3	32.1	28.2
High West Street (W25)	27.0	18.8	18.5	27.7	20.9

The Table above shows the Annual Mean concentration of NO₂ within Dorchester AQMA.

The last full set of results for 2023 in Dorchester show the annual mean for NO₂ at all monitoring locations both within and outside of the AQMA were far below the mean objective of 40µg/m³, with no sites have concentrations within 10% of this annual mean objective.

The 2023 concentrations are still an increase on 2020 and 2021 levels (which were distorted as there were less cars on the roads due to COVID restrictions) but remain below 2022 and 2019 concentrations indicating a downward trend.

Even if this revocation is agreed, we will continue to monitor for concentration of NO₂ during 2024 for locations W17, W18 and W25. This is considered best practice and will give further evidence should the decision to revoke be questioned at a later date.

Consultation

The DEFRA Local Air Quality Management Policy Guidance (PG22) states “*Local authorities in England are encouraged to consult (though a full public consultation would not be required).*”

The stakeholders consulted for this revocation were Cllr Gill Taylor (Cabinet Member Health and Housing); Cllr Les Fry and Cllr Andy Canning (Ward Councillors); Dorchester Town Council; Jack Wiltshire (Corporate Director Highways and Engineering), and Kate Tunks (Service Manager for Infrastructure & Assets).

A benchmarking exercise showed that a few local authorities had undertaken a full public consultation but this was where the AQMAs were high profile and contentious. The consultations undertaken by New Forest DC and BCP were limited in scope. Ultimately, Defra agreed that our consultation scope was sufficient and no further consultation was needed. They advised to progress to the revocation agreement.

The key partners / stakeholders consulted offered no objections to the revocation.

Summary and Recommendation

As evidenced above, the AQMA for High East Street has repeatedly fallen below the Objective for NO₂ (40µg/m³ Annual Mean). This has been reported to DEFRA and they agree that Revocation is appropriate.

A consultation has taken place with the relevant stakeholders and no adverse comments were received.

Advice has been taken from our legal services and the revocation process was confirmed.

Based on the report above it is recommended that the Executive Lead for the Place Directorate agree this revocation, and the decision be recorded appropriately.

References

Air Quality Action Plan (AQAP) Dorset Council.

<https://www.dorsetcouncil.gov.uk/environmental-health/pollution/air-quality-in-chideock.aspx>

Dorset Councils Annual Status Reports (ASR)

<https://www.dorsetcouncil.gov.uk/w/air-quality>

Appendix 1 – Air Quality Management Area (AQMA) declaration

WEST DORSET DISTRICT COUNCIL
AIR QUALITY MANAGEMENT ORDER 2009

Environment Act 1995 Part IV Section 83 (1)

As a result of its air quality detailed assessment of July 2008, West Dorset District Council ("the Council") is satisfied that the air quality objective for nitrogen dioxide (NO₂ annual mean), as prescribed by the Air Quality (England) Regulations 2000 and the Air Quality (England) (Amendment) Regulations 2002, has not been achieved in the area described below due to the levels of nitrogen dioxide which exceed the levels set by the Regulations.

Therefore the Council, in exercise of powers conferred upon it by Section 83 (1) of the Environment Act 1995 hereby makes the following Order.

1. This Order may be referred to as the West Dorset District Council Air Quality Management Order 2009 and shall come into effect on 6 May 2009.
2. The area shown highlighted on the attached map is designated as an Air Quality Management Area (hereinafter referred to as "the Designated Area"). The Designated Area incorporates High East Street in Dorchester and any dwellings and their associated curtilage within a 15-meter distance from the centre-line of the carriageway.
3. This Order shall remain in force until it is varied or revoked by a subsequent Order.

Given under the Common Seal of the West Dorset District Council

Dated 5 May 2009

The Common Seal of West Dorset District Council was hereunto affixed in the presence of:

R. W. Coatsworth

Chairman

AB

Chief Executive
Director



11930/09

11931/09

B

