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

**Executive Summary**

Dorset Council currently has two Air Quality Management Areas (AQMAs) 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](https://www.dorsetcouncil.gov.uk/environmental-health/pollution/air-quality-in-dorchester.aspx). 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 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](https://www.dorsetcouncil.gov.uk/environmental-health/pollution/air-quality-in-dorchester.aspx). 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.

**Dorset Council’s Air Quality Annual Status Report**

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](https://www.dorsetcouncil.gov.uk/w/air-quality) on our website.

The report is scrutinised by DEFRA. In July 2023, in DEFRAs 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****.”*

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| **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).*”

In order to clarify the scope of the consultation we benchmarked ourselves against other local authorities that have recently revoked similar orders including New Forest District Council and BCP council. These two did no public consultation and a limited stakeholder consultation. We also asked via the DEFRA air quality forum as to the level of consultation undertaken. Of the 8 responses 2 did a wider consultation to include the public. These were where the AQMAs were high profile and contentious. Finally, we contacted DEFRA and specifically asked about the scope of the consultation we had planned. They replied “*this is sufficient and you are not needed to consult further. You can carry on with the revocation.*”

Dorset Council Environmental Protection consulted with the following agreed local stakeholders regarding this proposal.

In July 2024, Cllr Gill Taylor (Portfolio Holder for Environmental Health) was advised. She had no adverse comments to make on this proposed revocation.

Cllr Les Fry and Cllr Andy Canning were also consulted, as the ward councillors overseeing the AQMA. They also had no concerns. Dorchester Town Council were contacted, and they also expressed no concerns.

Jack Wiltshire (Head of Highways), and Kate Tunks (Service Mgr for Infrastructure & Assets), were consulted. They were pleased to see that the Air Quality was improving and had no adverse comments to make.

As these key partners / stakeholders offered no objections to the revocation, especially our Highways department who are mentioned in the associated Air Quality Action Plan (AQAP), this further supported the idea that a wider consultation was not warranted.

**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>

Local Air Quality Management Policy Guidance (PG22) August 2022  
<https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf>

**Appendix 1 – Air Quality Management Area (AQMA) declaration**

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