



# Agenda Item 7

OPEN REPORT  
COMMUNITY AND ENVIRONMENT COMMITTEE

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**Community and Environment Committee 8 February 2024**

**Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring**

**Report of Director of Regulatory Services**

**Report Author and Contact Details**

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**Wards Affected**

Ashbourne North

**Report Summary**

This report provides a further update in relation to the Ashbourne Air Quality Management Area Action Plan in respect of the questions raised at the meeting of the Community and Environment Committee held on 7 December 2023 and a warning letter received from DEFRA in respect of the late submission of the Action Plan.

**Recommendations**

1. That the update in relation to the 2 questions for Derbyshire County Council raised by the December meeting of this Committee is noted.
2. That the action to be taken in response to the warning letter from DEFRA is determined by this Committee.

**List of Appendices**

Appendix 1 – DEFRA Warning letter.

**Background Papers**

Reports to the Community and Environment Committee – 7 April 2021, 23 June 2021, 17 November 2021, 23 February 2022, 29 June 2022, 1 November 2022, 9 February 2023, 13 July 2023, 7 September 2023, 26 October 2023, 7 December 2023

**Consideration of report by Council or other committee**

Since the declaration of the Ashbourne Air Quality Management Area in April 2021 a number of updating reports have been considered by the Community and

Environment Committee, as detailed under the Background Papers heading above.

**Council Approval Required**

No.

**Exempt from Press or Public**

No

# Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring

## 1. Background

- 1.1 At the meeting of the Community and Environment Committee held on 26 October 2023 discussions from the first meeting of the Air Quality Action Plan Working Group core group were discussed. It was noted that these discussions included the position regarding actions for inclusion in the action plan following the public consultation, the public support for a 20-mph zone within the town and the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. It was resolved that a further updating report should be submitted to the December 2023 meeting of the Community and Environment Committee.
- 1.2 The meeting of the Community and Environment Committee held on 7 December 2023 resolved:
- That a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense be recommended to Council for approval.
  - That Derbyshire County Council be formally requested to provide an explanation regarding their opposition to the implementation of a 20-mph speed limit zone within Ashbourne town centre, given the level of public support expressed during the consultation period; and
  - That Derbyshire County Council be formally requested to provide an explanation of their objection to implementation of a weight limit on traffic entering Ashbourne town centre via the A515, in order to divert heavy traffic.
- 1.3 Subsequent to the most recent meeting of the Community and Environment Committee the District Council has also received a warning letter from DEFRA in relation to the late submission of a valid Air Quality Action Plan for the Ashbourne Air Quality Management Area. A copy of this letter is included as appendix 1 to this report and Members are asked to consider how they would like the District Council to respond.

## 2. Key Issues

- 2.1 As noted in the background to this report, the December meeting of the Community and Environment Committee recommended to Council that a supplementary budget estimate of £10,000 be approved in order to facilitate a 12-month subscription to the Earthsense real-time monitoring system. This approval was confirmed at the meeting of Council held on 25 January 2024 and officers are now progressing the procurement of the system. Further information about the implementation of the system will be submitted to future meetings of this Committee. Members may recall that it is planned to work together with Derbyshire County Council to maximise the benefits of multiple monitors. Certainly it is planned that the District Council's monitoring results will be publicly available and officers hope that the same will be true of Derbyshire County Council's monitoring results too.

- 2.2 Following the December meeting of this Committee officers wrote to the Executive Director for Place at Derbyshire County Council, expressing the 2 questions that Committee posed. At the time of writing this report a formal response had not been received from Derbyshire County Council, although a commitment to providing such a response had been given.
- 2.3 As outlined in the background section of this report, the District Council has received a warning letter from DEFRA, which has been triggered by the absence of a valid Air Quality Action Plan (AQAP) in relation to the Ashbourne Air Quality Management Area (AQMA). This AQMA was declared in April 2021 and the proposed action plan has been the subject of the updating reports that have been considered by this Committee since that date. In summary, officers have worked together with colleagues from Derbyshire County Council and with representatives of Ashbourne Town Council and Ashbourne Town Team to develop a series of actions intended to address the issue of high levels of nitrogen dioxide in Buxton Road and St Johns Street. The proposed actions have also been subject to public consultation. Committee has considered those measures and debated the issue and has not considered that it could approve the draft action plan for submission to DEFRA. Officers have continued to work with colleagues from Derbyshire County Council to seek updates in relation to the actions previously suggested for inclusion within the Action Plan. In particular officers have been informed that the wording of the first three proposed actions is to be updated and that a round table discussion with mineral and logistics operators is projected for the New Year, which is intended to focus on transport issues in the High Peak and Ashbourne. In addition, Derbyshire County Council are proceeding with highway alterations in the town, which are intended to smooth the flow of traffic and as such should have a beneficial effect on air pollution.
- 2.4 Whilst this work is ongoing, there has been no more specific update available from Derbyshire County Council at the time of writing this report.
- 2.5 Nevertheless, there is now a need to respond to DEFRA's warning letter. The letter indicates that it has been triggered by the current absence of a valid AQAP and because a revised submission date for that AQAP has not been agreed with DEFRA. With this in mind officers consider that there are 3 options available to the Committee, as follows:
- To engage with DEFRA and to respond to the warning letter with an AQAP by the 8 March deadline.
  - To engage with DEFRA to explain the reasons why the submission of the AQAP has been delayed and to seek to agree a new date for the submission of the AQAP.
  - To continue with the escalating situation set out in the warning letter, which will conclude with a Secretary of State Direction to the Chief Executive.
- 2.6 Members are asked to consider the situation and to determine how they wish officers to respond to the DEFRA warning letter.

### **3. Options Considered and Recommended Proposal**

3.1 Those options that officers have identified as being available to Committee are set out in paragraph 2.5 of this report.

#### **4. Consultation**

4.1 The measures currently approved by Derbyshire County Council, along with the concepts of a 20-mph zone and a Clean Air Zone have already been subject to public consultation.

#### **5. Timetable for Implementation**

5.1 The timetable for implementation is to be determined by Committee, noting DEFRA's current deadline of 8 March 2024 for the submission of the AQAP.

#### **6. Policy Implications**

6.1 Local authorities have a legal duty to provide an Air Quality Action Plan as a means to address areas of poor air quality that have been identified with Air Quality Management Areas. These action plans should develop measures that will provide the necessary emissions reductions to achieve the air quality objectives and act as a live document which is continually reviewed and developed to ensure that current measures are being progressed and new measures are brought forward.

#### **7. Financial and Resource Implications**

7.1 At this stage there are no financial implications beyond staff time associated with this report. As the cost of staff is included in the approved budget, the financial risk associated with the approval of the report's recommendations is assessed as low.

#### **8. Legal Advice and Implications**

8.1 An Air Quality Action Plan will ensure that the Council meets its statutory duties as set out in the Environment Act 1995 to regularly review and assess air quality in its area.

8.2 This report relates to a further update in relation to the Ashbourne Air Quality Management Area Action Plan in respect of the questions raised at the meeting of the Community and Environment Committee and a warning letter received from DEFRA in respect of the late submission of the Action Plan.

8.3 The legal risk of challenge of taking the decision associated with this report has been assessed as low. That said there are risks including reputational risks, from receiving any direction from the Secretary of State. These can be avoided if the timescales provided by DEFRA are adhered to.

#### **9. Equalities Implications**

9.1 Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to:

- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act

- (ii) advance equality of opportunity between people from different groups, and
- (iii) foster good relations between people from different groups.

9.2 The decisions recommended through this paper could directly impact on end users. The air quality action plan is relevant to younger and older age groups, and people with disabilities, who are more vulnerable from the effects of poor air quality. The air quality action plan aims to have a positive impact on people's health, including those with protected characteristics. The consultation on the draft air quality action plan has not raised any issues with regards to the protected characteristics.

## 10. Climate Change Implications

10.1 Whilst the Air Quality Action Plan is aimed at reducing health related air pollution, any reduction in traffic emissions will also have a beneficial impact in relation to climate change and should be supported.

## 11. Risk Management

11.1 The District Council has a duty to develop an Air Quality Action Plan following the identification and declaration of Air Quality Management Areas. Failure to comply with this requirement could leave this authority open to legal action and potential fines.

### Report Authorisation

Approvals obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	31/01/2024
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	31/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	31/01/2024



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[www.gov.uk/defra](http://www.gov.uk/defra)

**Date:** 9 January 2024

**FAO:** Environment Health / Air Quality Manager

**Local Authority:** Derbyshire Dales District Council

Local Air Quality Management (LAQM) – Overdue Air Quality Action Plan (AQAP)

Date of last AQAP: No plan adopted

## WARNING LETTER

Dear Local Authority

Our records show that as of the date of this letter, you do not have a valid Air Quality Action Plan (AQAP) in place for an Air Quality Management Area (AQMA) in your local authority and Defra has not agreed a revised submission date for your AQAP.

**This is your warning letter and the second notice we have sent to your local authority on the matter.** Your local authority must submit an AQAP to Defra via the LAQM Portal by 8 March 2024 to avoid a final warning being issued. Failure to comply with the final warning can result in a Secretary of State direction being sent to the chief executive of your local authority.

Air quality is the biggest environmental threat to health. Since 2010 we have seen significant improvements in air quality; fine particulate matter has fallen by 10%, emissions of nitrogen oxides have fallen by 45% and sulphur dioxide by 73%. It is important to take continued action to reduce communities' exposure to air pollution.

Where there is an AQMA declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place (Environment

Act 1995 as amended). The purpose of an AQAP is to set out your plan to meet local air quality objectives and ensure that compliance is maintained. Failure to produce an AQAP and regularly review the actions in it risks exposing the local community to poor air quality.

The Local Air Quality Management (LAQM) Statutory Policy Guidance 2022 states that following the declaration of an AQMA, a final AQAP should be produced within 18 months and then reviewed every five years as a minimum, to ensure air quality improvement measures remain effective, proportionate and feasible.

### Warning process for missing or invalid Air Quality Action Plans

In August 2022, Defra published the [Local Air Quality Management \(LAQM\) Statutory Policy Guidance 2022](#) and introduced a new warning process for overdue AQAPs which came into effect on 30 June 2023. The [Environmental Improvement Plan 2023](#) published last year, supports our commitment to increase transparency by requiring timely and accurate publication of AQAPs by local authorities.

<b>Timescale</b>	<b>Enforcement letter</b>	<b>Recipient</b>
<b>AQAP 2 months overdue</b> (e.g. 20 months post AQMA designation or 5 years & 2 months since previous AQAP publication)	<b>Reminder letter</b>	From Defra’s LAQM team to Air Quality Officer at non-compliant Local Authority
<b>AQAP 4 months overdue</b>	<b>Warning Letter</b>	From the AQIE Deputy Director to Environment Health / Air Quality Manager at non-compliant Local Authority
<b>AQAP 6 months overdue</b>	<b>Final Warning letter</b>	From the AQIE Deputy Director to relevant Director at non-compliant Local Authority
<b>AQAP 8 months overdue</b>	<b>Ministerial letter:</b> Section 85 direction	Local Authority Chief Executive



Pre-reminder letters were sent to local authority Air Quality Officers on 2 May 2023, highlighting the new warning process for overdue Annual Status Reports (ASRs) and AQAPs. A second reminder letter was sent to your Local Authority two months after the AQAP became due. Following this Warning Letter, if the AQAP for your Local Authority is not received by 11 March 2024, a Final Warning Letter will be sent to the relevant Director as specified in the table above.

If AQAP submission requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action. You are therefore advised to ensure that the legal requirements for action plans are met swiftly.

### **Public Bodies Required to Contribute to Action Plans**

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with local authorities for LAQM. Air quality partners are certain other public bodies that a local authority identifies as having responsibility for a source of emissions contributing to an exceedance of air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of air quality objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a local authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

The LAQM Helpdesk ([LAQMHelpdesk@bureauveritas.com](mailto:LAQMHelpdesk@bureauveritas.com) or 0800 032 7953) is available to provide help and support should you require it.

Yours Sincerely,

**Bill Parish**

Deputy Director, Air Quality and Industrial Emissions

Defra

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Our ref CH/EHu-240206  
Your ref

Date 06/02/2024

Dear Tim

### **A515 Buxton Road, Ashbourne: Air Quality Management Area**

Thank you for your email dated 15<sup>th</sup> January 2024 regarding two questions requested by the District Council's Community and Environment Committee:

1. Why is DCC opposed to the introduction of a 20mph zone within the town.
2. Why is DCC opposed to the introduction of weight limits on the A515, which would divert heavy goods traffic.

Before I respond to the two specific questions it is important to restate that the Council remains committed to working with the District Council to deliver transport measures to tackle poor air quality in Ashbourne town centre. As you are already aware, the Council's Cabinet Member for Highways, Assets and Transport has committed to deliver actions for inclusion in the Air Quality Management Area (AQMA) Action Plan, including:

- Continuing to develop proposals for a A515 Ashbourne Relief Road: as we reported to Cabinet in September 2023 there is further work required on modelling flood risk and mitigation before a planning application can be submitted. We are working with our professional services consultants on this and will be able to advise in due course on the development programme.
- We have begun implementing an intelligent transport management system (ITS) in Ashbourne to provide opportunities to manage air pollution by optimising traffic flow. The introduction of Urban Traffic Control (UTC) to all traffic signal junctions and controlled pedestrian crossings in Ashbourne will provide a centralised co-ordination of traffic signals and optimise traffic flow. In addition, the application of Bus Priority for late running buses via the UTC system will assist with ensuring buses remain on schedule thus improving journey reliability. This project includes the first deployment of UK-leading technology in Derbyshire, including nine air quality sensors and a wide network of road traffic sensors across the town to build into the development of a new 'Visum' model. This model and the sensors will enable specialist traffic and air quality modellers to optimise our Control Room systems via the UTC to manage traffic flows to achieve better air quality and bus priority in real time. The scope of

the proposed network of sensors is also being expanded to additional routes to support a comprehensive review of heavy goods vehicle routing and possible selective route restrictions within the town centre. The first phase of traffic signal upgrades to support the ITS has now commenced at A517/Park Road junction and will shortly be followed by the Derby Road five-ways junction. We will also install new traffic signals at the Station Road/Church Road junction. The Visum model will also confirm whether additional traffic signals are required at the A515 Windmill Lane junction to better manage traffic entering the AQMA area.

- Delivering the public realm work package and supporting a mobility hub within the Methodist Church associated with Ashbourne Reborn to encourage more Ashbourne residents and visitors to use sustainable travel modes in the town centre.
- Bringing together a Minerals Industry Transport Roundtable meeting in February 2024 which will specifically discuss local freight issues, including the A515 Ashbourne Air Quality Management Area.
- Planned delivery of additional electric vehicle charging points in a town centre car park and consideration of 30 requests for deployment of street lamppost charging points via our Low Emission Vehicle Infrastructure programme, due to commence during 2024.
- Assisted development of three Travel Plans associated with land use developments proposed in the town.

## 20 Mph Zones

The Council's current 20mph zone policy is set out in its Speed Management Protocol and states:

20mph speed limits / zones are introduced sparingly, with casualty reduction being a priority for the selection of such schemes. Several trial sites will however be undertaken to ascertain whether there is further health, well-being and / or speed and casualty reduction benefits from 20 mph limits without associated engineering measures, and should subsequent monitoring reveal this is the case, then a review of this protocol would follow.

In line with this policy, the Council has previously advised to the District Council, and at your previous AQMA public engagement events, that a 20mph zone in Ashbourne would not be considered until it had completed consultation on two pilot area-wide 20mph zone proposals in Buxton and Long Eaton. The Council has now completed extensive stakeholder and public engagement associated with the two proposals to introduce 20mph zones. However, based on the outcome of these consultations, the Council has decided that it is not planning any further proposals to trial 20mph zones at other locations within the County, unless this is associated with casualty reduction.

With regards to Ashbourne, it is pertinent to restate the response from the Police and to note the comment regarding 'strategic routes' which is of relevance to the A515 Buxton Road, which is the Primary Route between Ashbourne and Buxton:

The Police raised "*grave concerns*" about the blanket implementation of 20mph speed limits without any physical traffic calming measures (or similar) to aid compliance. There were concerns about the strategic routes that the 20mph speed limit affect. The Police view is

that the speed limit proposals would present them with an unreasonable enforcement task. The lower speed limit would raise the expectations of the public and generate a high level of calls for enforcement for perceived non-compliance which they would not be able to react to with their current resources.

The Council only introduces traffic calming measures where there is clear justification on the grounds of road safety because these measures are generally not supported by the public due to them creating noise and vibration and increase in pollution. Consequently, these measures are not considered appropriate to aid compliance in this location, notably where there is an existing air quality problem and location where there are many listed buildings.

### **Introduction of Weight Limits**

The Council's current policy supports weight restrictions for environmental reasons on routes which have been identified as unsuitable for use by heavy goods vehicles, and where there is a better and equally convenient alternative. Weight restrictions for environmental reasons are usually used to prevent heavy goods vehicles from using minor roads as inappropriate short-cuts between main routes.

In considering the appropriateness of the A515 for environmental weight restrictions, the Council took due regard to the existing role of the A515 as a Primary Route between Ashbourne and Buxton. The Department for Transport advises that a Primary Route is a connection between two primary destinations which must remain reasonably direct and viable for medium – and long – distance travel including, wherever possible, for freight traffic.

In determining convenient alternatives, the trip length for diverting vehicles is considered. The existing A515 route between Ashbourne and Buxton is approximately 20.5 miles. The two most reasonable alternatives are:

- Buxton-Leek-Ashbourne via A53, A523 and A52 existing Primary Routes is approximately 26.5 miles.
- Buxton-Cromford-Belper-Ashbourne via A515, A5012, A6 and A517 is approximately 39 miles.

The shortest of these routes would incur a 30% increase in trip distance and would incur additional travel time and costs for local businesses travelling between these destinations.

When considering a proposed weight restriction for any route or area, the Council must give careful consideration to the impacts of those vehicles that are re-routed. The following environmental and health constraints were identified as potentially worsening or displacing issues should vehicles be re-routed:

#### Buxton-Leek-Ashbourne via A53, A523 and A52

- The A53/ A523 at Leek are both included within the area of the declared Leek AQMA. The Action Plan for this AQMA states that measures should be targeted to reduce emissions from both cars and heavy goods vehicles. It was therefore

considered that re-routing heavy goods vehicles via Leek would displace negative impacts and would increase air quality emissions in another declared AQMA.

- The A53 is bounded by the South Pennines Special Area of Conservation (SAC) and South Pennines Special Protection Area (SPA) and the A52 is in close proximity to the Peak District Dales (SAC). Whilst the impact of re-routing heavy goods traffic on these habitats and species has not been undertaken, it is noted that previous advice from Natural England that any proposed policy which would increase traffic within a SAC or SPA would require appropriate assessment to assess impacts of increased nitrogen deposition associated with increased emissions from traffic. It was therefore considered that re-routing heavy goods vehicles via Leek could have potential to impact on protected habitats and species.

#### Buxton-Cromford-Belper-Ashbourne via A515, A5012, A6 and A517

- The A5012 is bounded by, and dissects, habitats included within the Peak District Dales SAC. As set out above it was also considered that re-routing heavy goods vehicles via the A5012 could have potential to impact on protected habitats and species. It should also be noted that this constraint would also apply to re-routing vehicles via the other alternative route from Buxton to Cromford via the A6.
- The A5012 has previously been identified as one of England's highest risk roads for road safety. Whilst there are no specific risks associated with heavy goods vehicles, it is noted that the road presents a challenge for all road users as the road climbs from east to west via a series of bends through a wooded valley.

On this basis the two route options were not considered as convenient alternatives. Similarly, these constraints also limit the opportunities for encouraging longer distance journeys to use nearby alternative routes.

I trust that this response provides the necessary information requested and explains the background to why the Cabinet Member for Highways, Assets and Transport did not include the introduction of an Ashbourne 20mph zone or weight limits on the A515 within the list of approved interventions to be included within the AQMA Action Plan.

Yours sincerely



**Chris Henning**  
**Executive Director - Place**