



**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee – 1 November 2022

ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN

Report of Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

Ashbourne North

Report Summary

This report seeks approval of a draft Air Quality Management Area Action Plan for the purposes of public consultation prior to submission to DEFRA.

Recommendations

1. That the draft Air Quality Action Plan attached as appendix 1 to this report is approved for public consultation as set out in paragraph 2.9 below.

List of Appendices

Appendix 1 – Draft Air Quality Action Plan
Appendix 2 – Ashbourne Town Council response
Appendix 3 – Ashbourne Town Team response
Appendix 4 – DEFRA appraisal

Background Papers

N/A

Consideration of report by Council or other committee

Since the declaration of the Ashbourne Air Quality Management Area 4 updating reports have been submitted to the Community and Environment Committee. Once the public consultation is completed it is anticipated that the updated Action Plan will be presented to a further meeting of the Community and Environment Committee before submission to Defra.

Council Approval Required

No

Exempt from Press or Public
No

Ashbourne Air Quality Management Area Action Plan

1. Background

- 1.1 At the meeting of the Community and Environment Committee held on 7 April 2021 it was resolved to declare an Air Quality Management Area (AQMA) in respect of the following area in Ashbourne: Buxton Road from the junction with Windmill Lane and North Avenue to the junction with St John's Street; and St John's Street from number 22 St John's Street to the junction with Cokayne Avenue and Park Road.
- 1.2 The AQMA was declared in relation to exceedances of the annual average air quality objective for nitrogen dioxide, which is 40ug/m³ and the area was defined to include all areas in which levels of nitrogen dioxide came within 10% of the air quality objective (ie those which were likely to exceed 36ug/m³).
- 1.3 The AQMA is formally known as the Derbyshire Dales District Council Air Quality Management Area (No 2; NO₂) Order 2021 and came into effect on 5 May 2021.
- 1.4 At the 7 April 2021 meeting it was agreed that updating reports would be submitted to further meetings of the Community and Environment Committee and since that date 4 such updating reports have been submitted.

2. Key Issues

- 2.1 Since the declaration of the AQMA work has been underway to develop an action plan aimed at addressing the exceedance of the air quality objective. As the main source of pollution in this case is road traffic, this has involved working with Derbyshire County Council as the Highways Authority. This is necessary as although the responsibility to produce the action plan rests with the District Council, responsibility for works relating to the road network fall mainly to the County Council. In addition, the technical expertise to identify measures that were considered likely to be both effective and technically feasible rests within the Highways Authority.
- 2.2 In order to enable greater engagement with the development of these proposals a working group consisting of representatives of Derbyshire Dales District Council's Environmental Health Team, Derbyshire County Council's Transport Strategy Team, Ashbourne Town Council and Ashbourne Town Team was formed. The purpose of the working group was to provide input into the formation of the long list of options and to critique the subsequent short list of options developed by the Transport Strategy Team.
- 2.3 This process has resulted in the draft Air Quality Action Plan attached as appendix 1 to this report, which contains 11 proposed priority areas, as follows:
 - Priority 1 - Continue to develop proposals for Ashbourne Relief Road
 - Priority 2 – Investigate the use of transport technology
 - Priority 3 – Investigate town centre priority or capacity changes

- Priority 4 – Pre-emptive travel advice
- Priority 5 – Investigate improved tree canopy pollution dispersal
- Priority 6 – St John’s Street and Dig Street/Compton public realm
- Priority 7 – Investigate the demand for electric charging points
- Priority 8 – Business and school travel planning
- Priority 9 – Bus Service Improvement Plan implementation
- Priority 10 – Continue engagement with local mineral and logistics companies
- Priority 11 – Active travel promotion

2.4 The majority of these priority areas fall within the remit of Derbyshire County Council for implementation, with the exception of Priority 5, where the District Council has scheduled targeted thinning of the tree canopy on Buxton Road for later on this month, and Priority 6, which is intrinsically linked to the application for Levelling Up Funding submitted by the District Council, where an announcement on funding from Government is expected this Autumn.

2.5 Comments on the proposed action plan were invited from Ashbourne Town Council and Ashbourne Town Team, via their representatives on the working group. These have been received and are attached as appendices 2 and 3 respectively. Whilst the comments are there for Members to see, it would be fair to summarise their responses as being disappointed. It is clear that those organisations would like to see more direct measures to tackle the main source of the pollution emissions, which is HGV traffic using Buxton Road as a through route.

2.6 As part of the development of the draft Action Plan, DEFRA ask that an early draft is submitted to them for appraisal. This submission has been made and DEFRA’s appraisal of the draft is included as appendix 4 to this report. Again these comments are available for members to see, but officers would draw the attention of Members in particular to the following points:

- More information should be provided to detail how each measure contributes toward pollution reduction
- Traffic data and calculations supporting the source apportionment calculations must be included
- The measures should be supported by a detailed cost/benefit analysis
- Overall the measures presented are considered likely to be effective in reducing emissions

2.7 Progress to this point was also discussed with elected Members of Derbyshire Dales District Council in a briefing session held on 4 October 2022. Whilst that briefing session was not a formal decision making body of the District Council, it did give Members the opportunity to discuss the process and draft Action Plan with officers, and to make their views clear about the content of that draft Plan. Similar reservations were expressed to those set out in the submission from Ashbourne Town Team, plus further information was requested in relation to Clean Air Zones (which has been supplied), reference was made to the role of Derbyshire County Council’s Public Health team and consideration of green infrastructure was also requested.

- 2.8 The issues raised by Ashbourne Town Council, Ashbourne Town Team, DEFRA and Members have all been relayed to Derbyshire County Council's Transport Strategy Team. The County Council has confirmed that it has commissioned a transport consultancy, with specialist air quality consultants as part of their team, which will quantify the emission impacts of the proposed transport management mitigation measures and use these to inform a value for money assessment. The consultants are currently working up a proposal to provide an initial assessment for the priority list, ahead of a more detailed appraisal during the preliminary design stage. In addition, the administrative amendments to the Action Plan suggested by DEFRA in their appraisal document have been addressed by District Council officers, where the information required is currently available.
- 2.9 The next step in the process of developing the Action Plan is to undertake a full public consultation. It is proposed that this will be undertaken over a period of 4 weeks, utilising online consultation, posters with QR links in the Ashbourne area and a questionnaire. Comments received as part of that consultation process will be collated and shared with Derbyshire County Council's Transport Strategy Team in order to assess their feasibility and potential to add value to the draft Action Plan, with the intention of developing a final draft Action Plan for consideration by Committee prior to submission to DEFRA. Whilst the comments that have been received from partners on the working group and elected Members are acknowledged it is the view of officers that the draft Plan represents the most effective suite of measures that can be produced with the agreement of Derbyshire County Council's Transport Strategy Team. It should also be noted that despite their other comments, it is the stated view of DEFRA in their initial appraisal that the measures are considered likely to be effective in reducing emissions and as such it is recommended that the draft Action Plan now be subject to public consultation as set out above.

3. Options Considered and Recommended Proposal

- 3.1 The draft Action Plan includes a section at appendix B on proposed measures that have not been pursued and gives reasons for those decisions.
- 3.2 Committee is recommended to approve the draft Action Plan for public consultation as this is considered to represent the most effective suite of measures that can be produced with the agreement of Derbyshire County Council's Transport Strategy Team.

4. Consultation

- 4.1 The draft Action Plan has been produced in consultation with Derbyshire County Council's Transport Strategy Team, Ashbourne Town Council and Ashbourne Town Team as set out in the report above. In addition the draft Action Plan has been submitted to DEFRA for an initial appraisal. The proposal now is to undertake a full public consultation, following which comments received will be collated and reported back to this Committee.

5. Timetable for Implementation

- 5.1 The period of public consultation is proposed to run for 4 weeks following approval at this Committee, following which any and all comments received will be collated and assessed. These will then be reported back to a future meeting of this Committee together with a final draft Action Plan.

6. Policy Implications

- 6.1 Submission of an effective final draft Action Plan to DEFRA would comply with the District Council's statutory obligations in relation to air quality. It would also conform to the District Council's Corporate Plan.

7. Financial and Resource Implications

- 7.1 The majority of measures outlined in the Action Plan are the responsibility of Derbyshire County Council to implement and as such have little or no financial implications for Derbyshire Dales District Council. The tree works outlined in priority 5 can be contained within existing budgets utilising grant funding and the public realm works outlined in priority 6 are subject to a bid to the Levelling Up Fund. The costs of monitoring air quality can be accommodated from the existing budgets. The financial risk is, therefore, assessed as low.

8. Legal Advice and Implications

- 8.1 The 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. As the proposal contributes to the authority fulfilling its obligations under the 1995 Act, the legal risk associated with this report is low.

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 Measures to improve air quality have co-benefits with climate change and support a reduction in greenhouse gasses. Equally, the proposed actions to reduce NO₂ will also benefit biodiversity by decreasing the deposition of NO₂ in special habitats.

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:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	19/10/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	24/10/2022