



**OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE**

Community and Environment Committee – 7 September 2023

ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN

Report of the Director of Regulatory Services

Report Author and Contact Details

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Wards Affected

Ashbourne North

Report Summary

This report discusses the outcomes of public consultation on the proposals put forward as part of the draft Ashbourne Air Quality Management Area Action Plan and makes recommendations to Members as to the establishment of a working group to assist with the ongoing development of actions to address air quality issues.

Recommendations

1. That the responses received from the consultation exercise in relation to the Ashbourne Air Quality Action Plan be noted.
2. That an Air Quality Action Plan working group be re-established with the suggested membership as per paragraph 2.18 below.
3. That progress on the re-establishment of the working group and its preliminary findings be reported to the next meeting of the Community and Environment Committee.
4. That a report be prepared on the options and costs associated with expanding the Council's current air quality monitoring to include fine particulates.

List of Appendices

Appendix 1 – Outcomes from Online Consultation

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

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

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 whilst work was undertaken to develop a draft Action Plan to address the exceedance of the air quality objective. These updating reports have been considered by this Committee at regular intervals and have led to a number of proposals being agreed for public consultation. The period of public consultation concluded on 26 June 2023 and the outcomes from that consultation exercise have been analysed. This report considers those outcomes.

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 for producing the action plan rests with the District Council, responsibility for works relating to the road network falls mainly to the County Council. In addition, the technical expertise to identify measures 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 work resulted in the production of a draft Air Quality Action Plan by Derbyshire County Council and their consultants, which was presented to a

meeting of the Community and Environment Committee on 9 February 2023. The draft Action Plan contained 9 proposed actions, as follows:

- Action 1 – Investigate the use of Urban Traffic Management Control to optimise traffic flows within Ashbourne town centre
- Action 2 – Investigate town centre priority or capacity changes to improve heavy goods and other vehicle flows on A515 Buxton Road, Ashbourne
- Action 3 – Influence route election via live traffic information systems
- Action 4 – Investigate improved tree canopy dispersal
- Action 5 – Active Travel promotion
 - 5a – St John Street and Dig Street/Compton public realm
 - 5b – Mobility Hub
- Action 6 – Electric vehicle charging points
- Action 7 – Business and school travel planning
 - 7a – Workplace travel plans
 - 7b - School travel plans
 - 7c – School streets
- Action 8 – Bus Service Improvement Plan implementation
 - 8a – Bus priority
 - 8b – Mobility Hub
- Action 9 – Engagement with minerals and logistics companies

2.4 Whilst Committee approved these items for public consultation, it also included additional measure, as follows:

- A clean air zone covering the centre of Ashbourne with a charge levied on diesel commercial vehicles and taxis that are not Euro 6 compliant with an exemption for vehicles registered with keepers within the Ashbourne Civil Parish.
- An enforced 20mph zone within the centre of Ashbourne

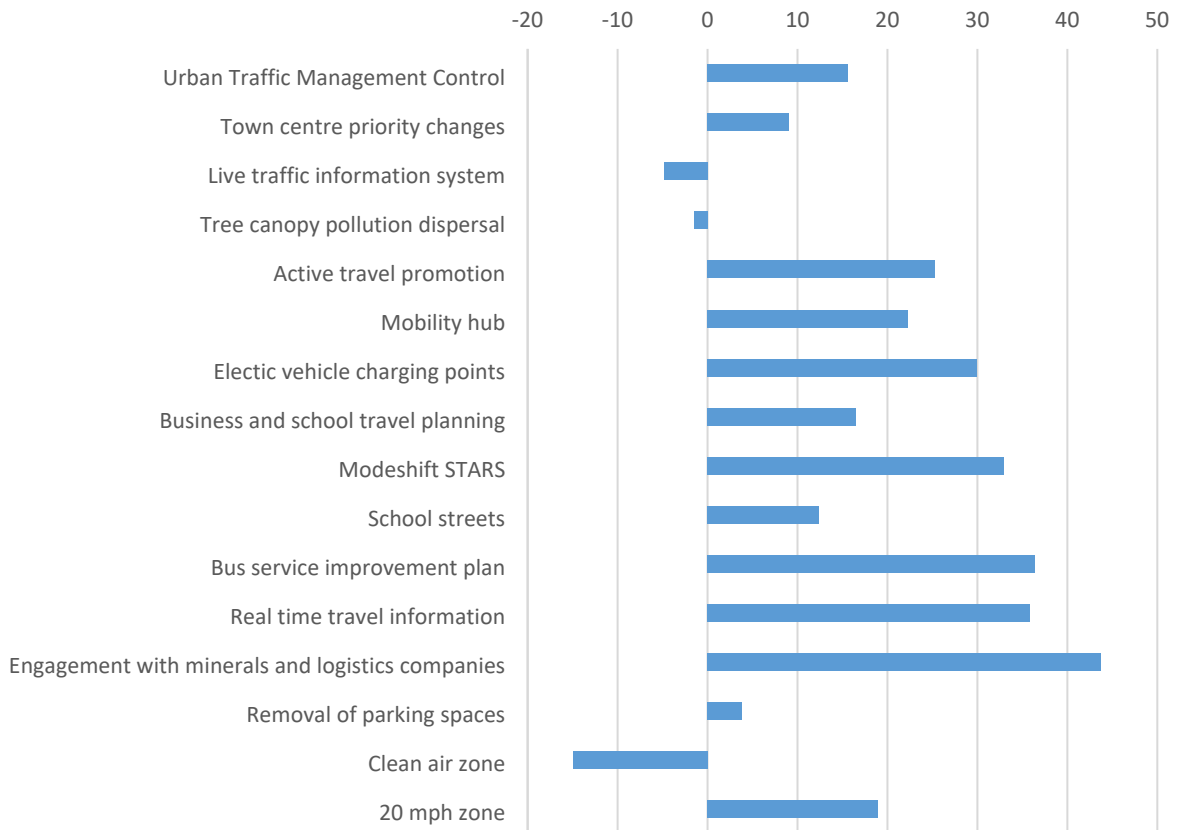
2.5 In addition, Derbyshire County Council requested that views be sought on the potential removal of parking spaces on Buxton Road during daytime peak periods, in order to consider whether this might be a measure supported by the public.

2.6 Due to the high level of local interest in the issue, advice was received that the public consultation should not be commenced until after the pre-election period. Consequently the consultation exercise was paused until 15 May 2023, whereupon a 6 week period of public consultation was commenced, completing on 26 June 2023. The formal consultation took the form of a Survey Monkey questionnaire, supplemented by paper copies of the questionnaire where requested, 2 public meetings, 4 drop-in sessions, plus media publicity and local postcard drops. The consultation generated 402 online responses, comprising straightforward responses to the questions plus 2,628 free-form comments, and 11 separate written submissions. The full response from the online consultation, suitably redacted to protect personal data, has been included as Appendix 1 to this report and is summarised in the following paragraphs.

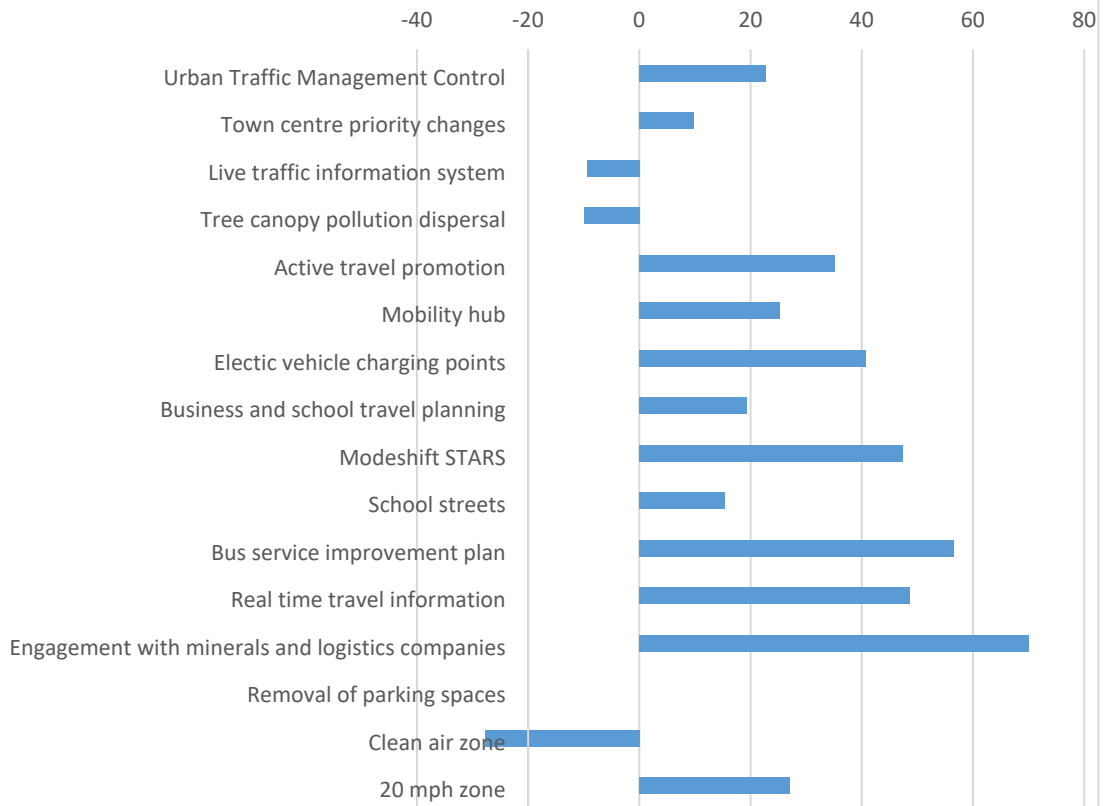
Outcomes from the Consultation

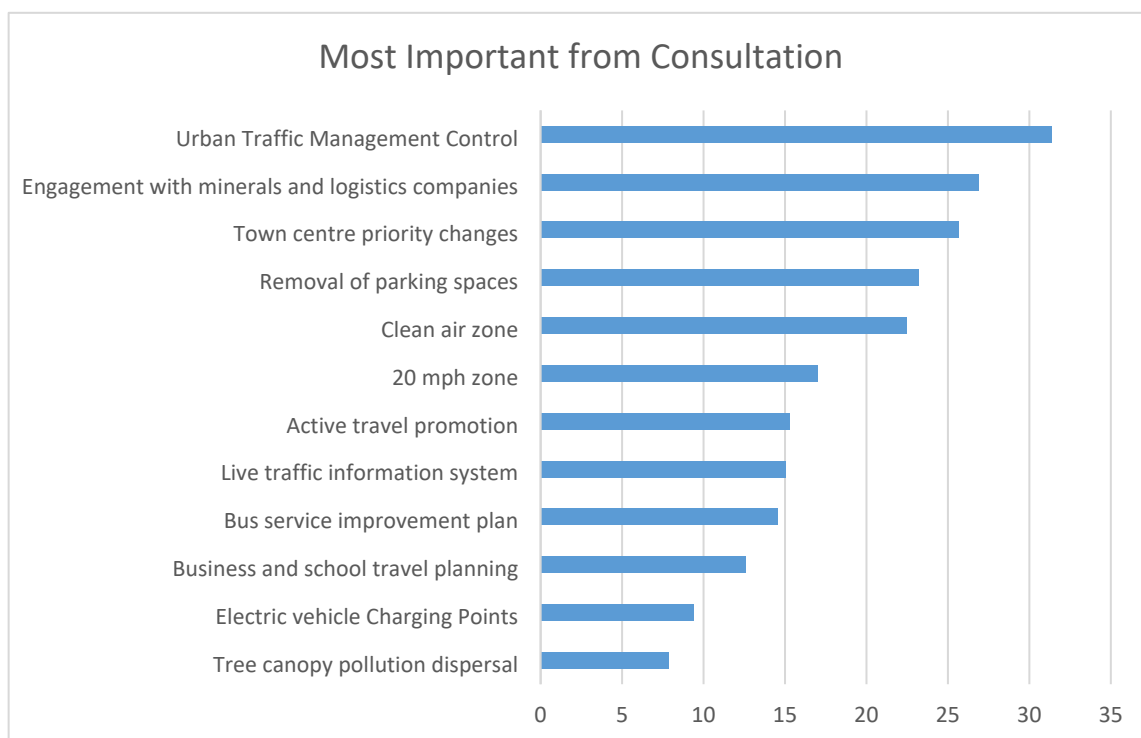
- 2.7 The District Council's Corporate Policy Officer has examined the responses from an equalities point of view and has commented that the majority of survey respondents (74%) were from the higher age brackets – people aged from 45 years old to over 75 years old. 21% of respondents were from the 45-54 age group, 27% of respondents were from the 55-64 age group and 20% were from the 65-74 age group. The 2021 ONS population estimates show that the Derbyshire Dales has a sizable aging population with 53% of residents aged over 50. In this sense the survey demographics roughly mirror the area's demographics. However, the ONS estimates show that 8% of Derbyshire Dales residents are in the 16-24 age group, whereas only 2% of respondents were in that age group. Similarly, 24.5% of Derbyshire Dales residents are in the 25-49 age group, whereas only 19% of respondents were in this age group. The survey may therefore over represent the views of older residents against younger residents.
- 2.8 The responses are evenly split between female and male respondents. 94.6% of respondents identified as White British as compared to the summary profile (Derbyshire Observatory 2018) of 96.8%. This suggests that the survey has reached a good range of people with differing ethnic origins.
- 2.9 82% of respondents said they did not have limitations on their day-to-day activities, which correlates well to the population figure of 81.5%. However, several respondents preferred not to answer this question and only 11% of respondents said they did have limitations on their day-to-day activities, which is below the population figure of 18.5% obtained from the Derbyshire Observatory. This suggests that the views of this group may be underrepresented in the survey.
- 2.10 For each of the proposals presented as part of the consultation respondents were given the opportunity to indicate whether they strongly agreed with the proposal, agreed with it, were undecided, disagreed with it or strongly disagreed with it. In addition they were able to submit free text comments in relation to the proposal and to indicate which of the proposals were most important to them. These responses have been analysed and are presented below in 3 ways: a simple positive/negative score based on adding the strongly agreed and agreed responses and comparing them to the sum of the disagreed and strongly disagreed responses; a weighted score based on ascribing a score of 2 to strongly agreed responses and -2 to strongly disagree responses before adding them to the agreed and disagreed responses; and a ranking based on those actions that were ranked as most important by respondents. The results of this analysis are presented graphically below and discussed in more detail in Appendix 2.:
- 2.11 Outcomes from the consultation are shown in graphical form below, utilising the 3 factors of simple score, weighted score and those actions that were rated as most important:

Simple Score



Weighted Score





- 2.12 From the perspective of the officers involved in the consultation it has been pleasing to see the level of engagement with the exercise. The two public meetings enabled a considerable level of debate amongst attendees and the views expressed in those forums are reflected in the views expressed in the consultation responses, with a variety of opinions represented about what action should be taken. However, there appeared to be a clear view that there was currently too much traffic in the town and there was broad support for a bypass to divert that traffic that was simply passing through. Officers believe that this view is already recognised and that the issue presenting itself now was what action could be taken to reduce levels of NO₂ prior to a bypass being developed, given the currently lack of certainty about that development.
- 2.13 In terms of the actions proposed within the draft action plan (actions 1 to 9 in paragraph 2.3 above) there was broad public support from the consultation, apart from Action 3 (live traffic information system) and Action 4 (tree canopy). Of these the scepticism relating to Action 3 seemed to relate to doubt about whether it would make any difference rather than a fear that it would make matters worse. In relation to Action 4 the works proposed to the tree canopy have already been completed. Concerns about Action 4 seemed to relate to a belief that the trees in question might be beneficial in absorbing pollution rather than that they might be hindering dispersion. The most supported proposal was engagement with the mineral and logistics companies.
- 2.14 The principle of removing parking spaces on Buxton Road during peak daytime hours received a relatively small degree of overall support. Discussions will continue with colleagues from Derbyshire County Council about all the measures considered during the consultation and these will include this principle.
- 2.15 The proposal relating to the potential Clean Air Zone was the least popular option during the consultation, with a significant negative score on both the

simple and weighted scoring systems. However, it was clear that those respondents who were in favour of this proposal considered it to be one of the most important options, as shown by its high score in question 17.

- 2.16 The proposal relating to a potential 20 mph zone did have broad support, even allowing for the anomaly with how the responses were counted on SurveyMonkey. Following the consultation this proposal has been discussed again with officers at Derbyshire County Council who have advised that their position, approved by their Cabinet, is that they intend to undertake two public engagement exercises to consider the introduction of 20mph zones within Buxton and Long Eaton town centres. They have stated that should the District Council resolve to request the County Council to consider an amendment to its policy and agreed list of measures for the Ashbourne AQMA Action Plan, we would need to set out an evidenced case demonstrating how a 20mph zone would deliver value for money in achieving air quality outcomes, which would then need to be considered in a future report to the County Council's Cabinet. It is therefore clear that at the present time Derbyshire County Council does not support adding this proposal to the Action Plan. Officers understand that the County Council is proposing the creation of a micro-simulation model to further consider options for traffic management in Ashbourne and that amongst other things, this will be used to model the potential impacts of introducing a 20mph zone.

Next Steps

- 2.17 The next stage in the Air Quality Management process would normally be to develop a final draft action plan for submission to DEFRA. However, the outcomes of the consultation exercise and subsequent discussions between agencies have not resulted in a position that is acceptable to both Derbyshire Dales District Council and Derbyshire County Council. In addition, the development of the Ashbourne Reborn project is considered to present an opportunity to look at the issue afresh, taking into account the implications of this Levelling Up Fund project. Consequently, no Action Plan is put forward for approval at this stage and this matter will need to be the subject of further discussions.
- 2.18 At its meeting on 13 July 2023 the Community and Environment Committee discussed the desirability of re-establishing an ongoing Working Group to monitor the success or otherwise of any Action Plan and to consider any necessary future developments of that Action Plan. It is suggested that the re-establishment of such a Working Group could provide a forum to consider and prepare further options for actions that could address air quality issues within the Ashbourne Air Quality Management Area for future consideration by the Community and Environment Committee, taking into account the outcomes from the consultation exercise and the implications of the Ashbourne Reborn project. It has been suggested that such a working group could comprise District Councillors from affected wards, County councillors from affected divisions, lead officer from Derbyshire Dales Environmental Health, lead officer from Derbyshire County Council Highways, representative from Derbyshire County Council Public Health, representative of Ashbourne Town Council, representative from Ashbourne Town Team, representative of residents within the AQMA, representation from hauliers/quarries. It should be noted that each of these organisations would need to confirm their willingness to be part of such a working group.

- 2.19 In addition to the work being undertaken to address the exceedance of the annual air quality objective for NO₂, concern has been expressed about the currently unmonitored levels of fine particulates in the area. Derbyshire County Council have previously committed to installing monitoring devices in the area and officers understand that this is currently going through procurement. In its position statement on pollution, the Progressive Alliance has committed to broadening the range of air pollution monitoring to include levels of particulate matter and it is intended to investigate suitable equipment to compliment Derbyshire County Council's work in the near future.

3. Options Considered and Recommended Proposal

- 3.1 In law it is possible for a local authority to submit a final draft Air Quality Action Plan to DEFRA without the agreement of its partner authorities, in this case Derbyshire County Council acting as the Highways Authority. In such cases it is possible for the partner authority to submit its own draft Action Plan and in these circumstances DEFRA would activate its dispute resolution process to determine which, if either, of the Action Plans it accepted. In the current case both Derbyshire Dales District Council and Derbyshire County Council continue to work together in order to produce an effective Action Plan and it is not considered that implementing the dispute resolution course of action will be beneficial or productive. Instead it is recommended that partnership working be utilised to produce an Action Plan agreed by both agencies.

4. Consultation

- 4.1 A 6-week period of public consultation on the proposals for the draft Air Quality Action Plan concluded on 26 June 2023. This report considers the outcomes of that consultation exercise.

5. Timetable for Implementation

- 5.1 It is proposed that the potential membership and terms of reference of a working group could be drafted shortly after this Committee meeting. It is then likely to be necessary to discuss those proposals with those agencies who are suggested as members of the working group. Progress on the establishment of the group can be provided via the Chair and Vice Chair of this Committee and formally reported back to the next Committee meeting.

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. As the proposal seeks to establish a route for the agreement of an action plan through partnership working it therefore contributes to the authority fulfilling its obligations under the 1995 Act. As such, the legal risk associated with this report is low.

9. Equalities Implications

- 9.1 Equalities implications are outlined in paragraphs 3.1 to 3.3 of the report.

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 Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	30/08/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	24/08/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	30/08/2023