



OPEN REPORT
COMMUNITY AND ENVIRONMENT COMMITTEE

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

Amanda Goodwill, Environmental Health Manager
01629 761316 or amanda.goodwill@derbyshiredales.gov.uk

Karen Carpenter, Environmental Health Officer
01629 761227 or karen.carpenter@derbyshiredales.gov.uk

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:-

	Named Officer	Date
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