



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**to
COMMUNITY SERVICES COMMITTEE
10 JULY 2018**

**AIR QUALITY UPDATE AND PROPOSED DECLARATION OF AIR QUALITY
MANAGEMENT AREA ON MARKET HILL, MALDON**

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update of the latest results of the Air Quality monitoring in the district, to advise on the necessity to declare an Air Quality Management Area along Market Hill, Maldon, and to request funding is made available for the subsequent specialist work required.

2. RECOMMENDATIONS

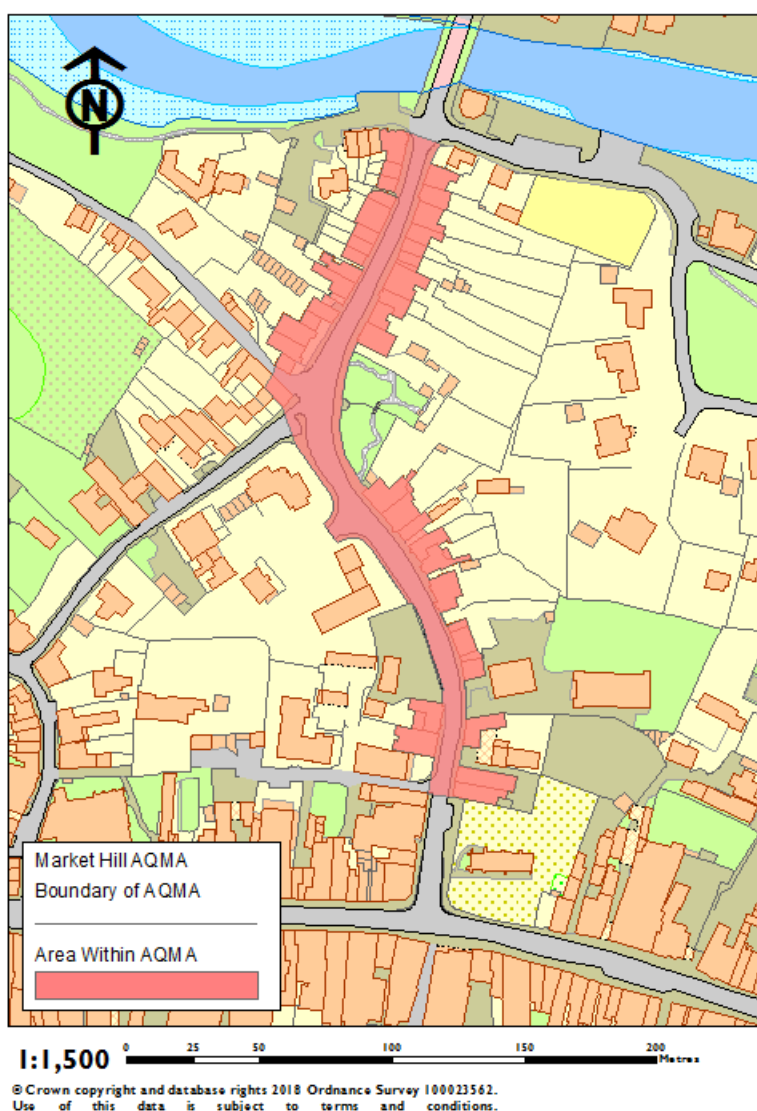
- (i) that Members approve the production of an Air Quality Action Plan for the Market Hill Area as detailed within this report subject to approval of a supplementary estimate of £20k;
- (ii) that subject to (i) above, the Finance and Corporate Services Committee be recommended to approve a Supplementary Estimate of £20k to enable the production of an Air Quality Action Plan to comply with legislation

3. SUMMARY OF KEY ISSUES

- 3.1 Local authorities have a legal requirement to work towards Air Quality Strategy (AQS) objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part and to meet the requirements of the Local Air Quality Management (LAQM) statutory process.
- 3.2 The LAQM process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved.
- 3.3 Where an exceedance is considered likely, the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 3.4 Whilst conducting the LAQM process, the monitoring has identified high concentrations of Nitrogen Dioxide (NO₂) in Market Hill, Maldon. Analysis of roadside air quality monitoring has identified that for the period of July to December 2017 the mean concentration of NO₂ was 55.19µg/m³ and that an exceedance of the

annual mean Air Quality Objectives ($40\mu\text{g}/\text{m}^3$) is highly likely. It has been estimated that the NO_2 concentration at the receptor (façade of residential property) is $52.4\mu\text{g}/\text{m}^3$.

- 3.5 An additional six diffusion monitoring stations have been placed along the route to validate the extent of the area.
- 3.6 In accordance with the legislation, the next steps will be by Statutory Declaration to declare the AQMA and submit this to the Department for the Environment, Food and Rural Affairs (Defra), in conjunction with the Council's Annual Air Quality Status Report (ASR) due for submission after June 2018.
- 3.7 The boundary of the proposed AQMA is as follows and can be reviewed in more detail in the report attached at **APPENDIX 1**.



- 3.8 Failure to declare AQMAs may result in the Council being prosecuted by Defra who, in turn, could be prosecuted by the EU if the UK fails to comply with EU directives.

- 3.9 The Council will have 12 months, from the June submission, to develop and submit an Air Quality Action Plan (AQAP). It is anticipated that the AQAP timeline, development and delivery would likely include the following tasks:

- Creation of a steering group
- Source apportionment & dispersion modelling of area in and surrounding AQMA
- Development and quantification of measures (effectiveness/price)
- Identify how measures would be delivered and funding streams
- Writing of Air Quality Action Plan
- Internal and external consultation

Submit final AQAP to Defra within the formal submission of the 2019 Annual Status Report in June 2019.

- 3.10 Along with a number of other Essex Local Authorities, the Council currently hold a Service Level Agreement with Chelmsford City Council to undertake the preparation of its Annual Status Report due to the technical complexity of the subject matter.
- 3.11 Historically, Essex Local Authorities have used King's College London to prepare reports for submission to Defra; however Chelmsford City Council (CCC) offered this service at a much reduced rate through the Essex Consortium for Air Quality. On this basis a quotation has been sought from CCC for the preparation of the AQAP, as this will be outside of the scope of the technical expertise within the service notwithstanding the lack of resources to complete the work. The quotation is attached at **APPENDIX 2** for information and will form part of a procurement process. It had been anticipated that this would be subject to a subsequent growth bid to the Director of Resources but it is understood that it is appropriate that a request for funding be made with this report at this time.

4. CONCLUSION

- 4.1 The Council is required to declare an AQMA where monitoring dictates it will not meet the set Air Quality targets. It is clear that Market Hill fails to meet the relevant targets and therefore the Council is obliged to declare the area as an AQMA. The Council is required to complete and submit an AQMP within 12 months of the declaration which is at a cost to the Council, as outlined in **APPENDIX 1**.
- 4.2 Further details will be reported to Members following the completion of an appropriate procurement process and progression of this work. However, at this stage, a request is made to Members to confirm that funding will be available for the completion of this work (with the figures contained in **APPENDIX 2** likely to be the approximate amount involved in a worst case, subject to the procurement process).

5. IMPACT ON CORPORATE GOALS

- 5.1 Potentially, the current position could have a negative impact on the corporate goals in particular "Strengthening Communities to be Safe, Active and Healthy" and "Protecting and Shaping the District". By declaring the AQMA and preparing an action plan which aims to develop measures to improve the air quality along Market

Hill, this will reverse the impact on the corporate goals and comply with the relevant UK Air Quality targets.

6. IMPLICATIONS

- (ii) **Impact on Customers** – By declaring the AQMA and preparing an action plan it will have a positive impact on customers in particular those who reside in the area.
- (iii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts currently although this should be monitored as the action plan is developed.
- (iv) **Impact on Risk** – Failure to declare the AQMA could result in financial penalties against the Council by Government. Failure to prepare and deliver measures set out in the proposed AQMP could impact on public health and an inability to meet the corporate goals.
- (v/vi) **Impact on Resources (financial and human)** – The financial implication is up to £20,000 to prepare and deliver an AQMP. Putting measures in place recommended by the Plan will ensure that residents within the AQMA will benefit from good air quality.
- (v) **Impact on the Environment** – By identifying the AQMA and subsequent action planning to introduce measures to improve air quality this will provide a positive impact on the environment.

Background Papers: None

Enquiries to: Shirley Hall on 01621 875817