

SUMMARY OF CONCERNS RAISED BY THE COMMUNITY SERVICES COMMITTEE (10 JULY 2018)

Agenda Item 9 – Air Quality Update and Proposed Declaration of an Air Quality Management Area on Market Hill, Maldon

Concerns raised	Officer Responses
<p>That given the fact we already have diffusion monitoring stations collecting data why is the Air Quality Action Plan (AQAP) so expensive.</p>	<p>The diffusion tube monitoring provides adequate levels of results to determine whether or not a “problem” exists which requires the declaration of an Air Quality Management Area (AQMA). The tubes do not however provide further information on potential source apportionment, allow for modelling, devising of potential measures to combat pollutant levels, modelling of the likely impact of those measures, create the action plan, provide for consultation, creation of the steering group, etc. These kind of activities are why there is a cost involved with development of an AQAP. This Authority has not previously had to declare an AQMA and so we do not have the technical skills, resource (e.g. officer time), software, etc. in-house to undertake this process and consequently we are in a position of having to tender for such works.</p>
<p>That a full breakdown of the costs involved in producing the AQAP be provided as this is taxpayer’s money and a huge expense.</p>	<p>Of course. There is a breakdown of the likely costs provided by Chelmsford City Council Scientific Team contained within Appendix 2 (page 35) of the Community Services Committee Agenda pack. A further such breakdown will be contained when a subsequent quotation is received from another contractor as part of the tendering process.</p>
<p>That if we cannot mitigate the problem we may be unable to deliver the Local Development Plan (LDP).</p>	<p>The existing of the AQMA does not necessarily mean that the LDP cannot be delivered or that development cannot take place. From a planning perspective the AQMA introduces additional assessments required for certain planning applications. Air quality is a component of local and national policy, set out below.</p>
<p>That the Policy Manager’s views be sought as this could impact on Planning Policy.</p>	<p>With regards to plan preparation, we have a LDP, which provides policy guidance with regard to air pollution against which relevant planning applications should be assessed. The following policies apply:</p> <ul style="list-style-type: none"> • LDP Policy D1 Climate Change & Environmental Impact of New Development requires all new development to minimise its impact on the environment by ensuring that all forms of pollution, including air pollution are minimised. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures. • Policy D1 expects new development to protect the amenity of surrounding areas with regard to pollution.

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	<ul style="list-style-type: none"> • Policy I2 requires development of 50 or more units/1000sqm non-residential floorspace to submit a Health Impact Assessment. This should include impacts on air quality. <p>In a review of the Plan, the AQMA will need to be recognised in policy and had regard to in future policy development, potential site allocation assessments, habitat regulations assessments, health impact assessments and sustainability appraisals.</p> <p>In addition, the Council also includes an Air Quality Supplement to the Maldon Design Guide Supplementary Planning Document (SPD). Relevant proposals for new development should consider air quality in the design, construction and operation of the development over its lifetime. This includes consideration of adverse impacts on potential site occupiers as well as on the wider area.</p> <p>We are also developing the detailed action plans for the delivery of the Central Area Master Plan. In putting together the latter we will need to have regard to the AQMA.</p> <p>The Government issues Planning Practice Guidance on Air Quality (https://www.gov.uk/guidance/air-quality--3#when-could-air-quality-be-relevant-to-a-planning-decision)</p> <p>This guidance applies both to plan preparation and the determination of planning applications.</p> <p>With regards to planning applications, the introductory element of the Government’s Planning Policy Guidance (PPG) states:</p> <p>‘When could air quality be relevant to a planning decision?’</p> <p>Whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of European Union (EU) legislation (including that applicable to wildlife). The steps a local planning authority might take in considering air quality are set out in this flow diagram.</p>

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	<p>When deciding whether air quality is relevant to a planning application, considerations could include whether the development would:</p> <ul style="list-style-type: none"> • Significantly affect traffic in the immediate vicinity of the proposed development site or further afield. This could be by generating or increasing traffic congestion; significantly changing traffic volumes, vehicle speed or both; or significantly altering the traffic composition on local roads. Other matters to consider include whether the proposal involves the development of a bus station, coach or lorry park; adds to turnover in a large car park; or result in construction sites that would generate large Heavy Goods Vehicle flows over a period of a year or more. • Introduce new point sources of air pollution. This could include furnaces which require prior notification to local authorities; or extraction systems (including chimneys) which require approval under pollution control legislation or biomass boilers or biomass-fuelled CHP plant; centralised boilers or CHP plant burning other fuels within or close to an air quality management area or introduce relevant combustion within a Smoke Control Area; • Expose people to existing sources of air pollutants. This could be by building new homes, workplaces or other development in places with poor air quality. • Give rise to potentially unacceptable impact (such as dust) during construction for nearby sensitive locations. • Affect biodiversity. In particular, is it likely to result in deposition or concentration of pollutants that significantly affect a European-designated wildlife site, and is not directly connected with or necessary to the management of the site, or does it otherwise affect biodiversity, particularly designated wildlife sites.’ <p>If the answer to any of these is yes there will be an impact the Council will require an Air Quality Assessment to be submitted with the planning application. According to the PPG, this will include:</p> <ul style="list-style-type: none"> • ‘a description of baseline conditions and how these could change; • relevant air quality concerns; • the assessment methods to be adopted and any requirements around verification of modelling air quality;

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	<ul style="list-style-type: none"> • sensitive locations; • the basis for assessing impact and determining the significance of an impact; • construction phase impact; and/or • acceptable mitigation measures.’ <p>The PPG further goes on to say that:</p> <p>‘Mitigation options where necessary will be locationally specific, will depend on the proposed development and should be proportionate to the likely impact. It is important therefore that local planning authorities work with applicants to consider appropriate mitigation so as to ensure the new development is appropriate for its location and unacceptable risks are prevented. Planning conditions and obligations can be used to secure mitigation where the relevant tests are met.’</p> <p>‘Examples of mitigation include:</p> <ul style="list-style-type: none"> • the design and layout of development to increase separation distances from sources of air pollution; • using green infrastructure, in particular trees, to absorb dust and other pollutants; • means of ventilation; • promoting infrastructure to promote modes of transport with low impact on air quality; • controlling dust and emissions from construction, operation and demolition; and • contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.’ <p>For larger development, air quality is a matter that must be covered in an environmental impact assessment.</p> <p>The Council will take into account what the applicants submitted and consult with appropriate officers internally and with other agencies.</p>

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	<p>The location of the AQMA is central within Maldon and Heybridge and provides vital links between the two settlements, but also between Maldon and the Causeway employment area, and Heybridge (and beyond) and Maldon town centre. Therefore, development in the two towns will impact on traffic flows through Market Hill. The issue that will need to be addressed is what this volume of traffic will be, what the vehicles will be, when and in what direction.</p> <p>This is best assessed, as per the Government guidance, through an air quality assessment with relevant planning applications. It would be prejudicial to say at this stage that the designation of the AQMA will impact on the LDP.</p> <p>If it was and no development was to take place, it would mean that the Council would not be able to deliver the LDP, which would have to be reviewed. Any review will need to have regard to the potential impact of development on the AQMA.</p>
<p>That this report should be confidential given the potential negative impact on the market value of properties in the area.</p>	<p>There is a requirement under Schedule 11, 4, 2 (c) of the Environment Act 1995 which stipulates that copies of the air quality management area order, etc. should be freely available to the public. Good practice is to notify various parties including the Secretary of State, the Environment Agency, relevant local businesses and local environmental pressure groups. Further guidance suggests that it should be advertised locally and ideally placed on the internet.</p> <p>Whilst it is understood that impact could be had on market values in the immediate area, it is simply a matter of at what stage something is brought in to the public domain – either now or in the next month or two at the actual point of making the declaration order. Consequently, there will not be ability to maintain confidentiality indefinitely. On the flipside, the fact that action will be forthcoming to improve air quality as a result of the action plan is a positive.</p>
<p>That this is potentially a public health issue and we have a duty of care to alert residents to the dangers.</p>	<p>The purpose behind this legislation is clearly to control certain pollutant levels where they are at concentrations likely to harm health. In accordance with the above, we have a responsibility to advise people, and to then act through creation of an AQAP.</p>
<p>That the crux of the matter relates to unloading and loading on the High Street, causing the build-up of traffic on Market Hill.</p>	<p>The AQAP production involves consultation and discussions with stakeholders, including County Council and causes of the issue such as traffic flow problems on local roads would be considered as part of the potential solution.</p>
<p>That potentially the issues are across a wider area e.g. the Causeway.</p>	<p>The problem with servicing is the adequacy of rear servicing areas. If the rear of shops cannot be accessed through a separate highway, front servicing will continue. Through the Central Area Master Plan process the Council should consider how traffic flows can be improved through the area. At this</p>

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	<p>stage no options should be ruled out. What the Council needs to be mindful of is that the town centre and the Causeway are key economic centres for the town. Poor access to either will have significant negative impacts. Therefore, solutions should be realistic but also take account of the necessity to access both areas, together with the various residential properties. Options include: shutting the road; closing it for uphill traffic; better ‘alternative routes signage’ to divert traffic away from the AQMA; improvements to the servicing arrangements on the High Street; changes to prioritisation of traffic on the High Street / Market Hill and surrounding areas.</p>
<p>That despite being proactive and raising this issue previously with the Highways Panel, to stop parking during the day on the High Street, this authority now has to bear the cost. There should be some recompense by Essex County Council (ECC) toward the cost of the Air Quality Action Plan.</p>	<p>The responsibility for the Air Quality monitoring and actions rest with District Councils. However, it is acknowledged that traffic-related issues are often under the control of County Council which can make workable solutions difficult without their assistance. It would clearly be helpful to seek finance from ECC but they do not ultimately have the responsibility for this legal duty.</p>