



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

**to
COUNCIL
12 SEPTEMBER 2019**

**AIR QUALITY MANAGEMENT AREA(AQMA) ON MARKET HILL, MALDON
AND AIR QUALITY MANAGEMENT PLAN(AQMP) PROCESS**

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with an update on the declaration of an AQMA along Market Hill, Maldon, and the process for preparing an AQMP in accordance with the relevant guidance.

2. RECOMMENDATIONS

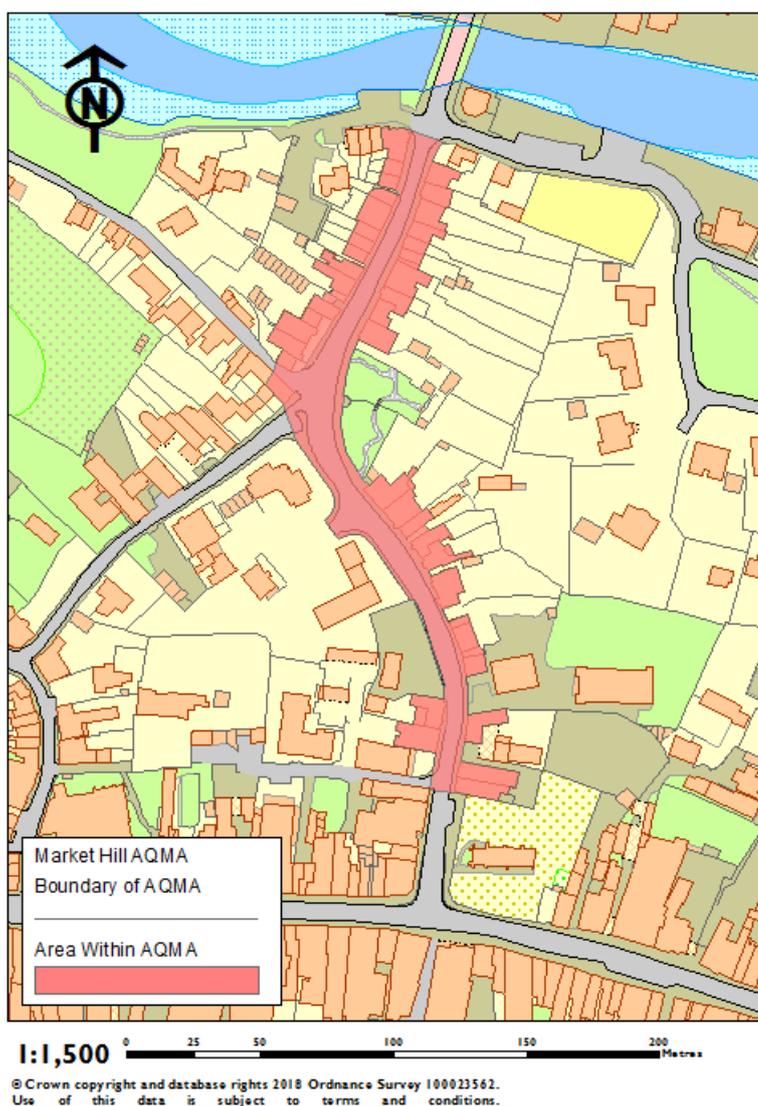
- (i) That the contents of the report be noted;
- (ii) that the Draft composition and Terms of Reference of the Members Panel (attached at **APPENDICES 1 and 2**) be agreed.

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 (40µg/m³) is highly likely. It has been estimated

that the NO₂ concentration at the receptor (façade of residential property) is 52.4µg/m³.

- 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 were to declare the AQMA and submit the detail to the Department for the Environment, Food and Rural Affairs (Defra). The declaration of the AQMA was made by the Council on 11 December 2018.
- 3.7 The boundary of the AQMA as declared below.



- 3.8 The Council must now prepare a report of the results of an assessment of air quality in the relevant area and produce an action plan of mitigating measures.
- 3.9 A report was taken to Community Services Committee on 10 July 2018 (Minute No. 254 refers) and Finance & Corporate Services Committee on 31 July 2018 (Minute No. 317 refers) which confirmed a budget of £20,000 solely for the development of the AQMP. The procurement of the work was carried out in accordance with the

Council's financial and procurement rules. Chelmsford City Council was awarded the contract to provide the technical support and modelling to enable the AQMP to be developed. In addition to developing the draft and final AQMP.

- 3.10 Officers commenced this process with an inception meeting on 18 December 2018. The composition of this group was brought together in conjunction with the Corporate Leadership Team (CLT).
- 3.11 The meeting consisted of Officers and Members from Maldon District Council and an Officer each from Essex County Council and Chelmsford City Council. The Officer from Chelmsford CC, as advised above, is currently procured to provide technical support and direction for the development of the AQMP. Action points from the inception meeting included instruction of source apportionment modelling and timescales for future meetings.
- 3.12 The first Steering Group meeting was proposed to be held in late March. However, there was some delay whilst the finalised source apportionment modelling data and report was awaited. Upon receipt of the modelling report the first Steering Group meeting was arranged including the same representation as the Inception Meeting but with the addition of Town Councillor representation and was held on 8 May 2019. This meeting was to discuss the results of the modelling. A further action was to hold a Public Information session prior to the next Steering Group. This session was held on the afternoon of 18 June 2019 which included a display and information regarding frequently used 'tried and tested' measures as well as collating residents', business and Member views and comments.
- 3.13 A further Steering Group was held on 10 July 2019 at which the intention was to review the public engagement response and consider measures for modelling. Agreement was reached to model 4 potential measures and the results of this modelling was intended to be discussed at the next Steering Group meeting.
- 3.14 Subsequently, direction from CLT is that the Steering Group, as was, would be reconfigured to comprise of a technical group and Members' Panel. The composition and Terms of Reference of the relevant groups can be seen in **APPENDICES 1 and 2**.
- 3.15 Once the modelling results are received for the measures noted in paragraph 3.15 these will be discussed at the next Members' Panel. A formal Consultation of the draft AQMP will take place in view of a final version ready for Member approval.

4. CONCLUSION

- 4.1 The work of the Steering Group to date has sought to engage with Members, residents and businesses as effectively as possible. However, tight time constraints apply to this work. The Steering Group has taken the approach of trying to "work up" options for Market Hill to include in a draft action plan. The action plan, once completed, will be presented to Members for consideration / approval.
- 4.2 The newly formed Members' Panel will be updated following Technical Group meetings to ensure that Members form part of the action planning process.

5. IMPACT ON STRATEGIC THEMES

- 5.1 There is a direct impact on the Corporate Plan outcome (“Protected and improved environment for residents and visitors”) of “Improved Air Quality”. Delivery of an air quality action plan that is capable of implementation is therefore a priority.

6. IMPLICATIONS

- (i) **Impact on Customers** – The prompt development and implementation of an action plan is in the best interests of all customers – residents and businesses – but particularly those on Market Hill for whom the health improvements that will be achieved will be of most benefit.
- (ii) **Impact on Equalities** – The Council is committed to providing equal opportunities with no discrimination. There are no identifiable impacts currently based upon the work to date of the Steering Group. However, this will be kept under review as the action plan is developed.
- (iii) **Impact on Risk** – Failure to develop an action plan 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 outcomes of the Corporate Plan. It will also risk negative publicity and public outcry should this matter not be progressed and delivered.
- (iv) **Impact on Resources (financial and human)** – The financial implication to the Authority to date is that £20,000 was previously committed for the preparation of the AQMP which is what is currently being utilised. However, the measures identified in any action plan may require funding from Maldon District Council (MDC) to deliver them. The majority of any financial risk for the delivery of measures is likely to rest with Essex County Council due to Highways alterations/works which are anticipated to be the most significant and costly measures proposed. In terms of human implications, the delivery of measures from the AQMP will directly ensure that residents within the AQMA will benefit from good air quality, as well as those persons who utilise Market Hill for other reasons.
- (v) **Impact on the Environment** – Creation and, more directly, implementation of measures in the AQMP will directly improve air quality and therefore have a significant positive impact on the environment.

Background Papers: None.

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