



## **REPORT of DIRECTOR OF SERVICE DELIVERY**

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**to  
COUNCIL  
2 JULY 2020**

### **ADOPTION OF AIR QUALITY ACTION PLAN 2020 - 2025**

#### **1. PURPOSE OF THE REPORT**

- 1.1 This Air Quality Action Plan (AQAP) sets out the measures that the Maldon District Council (MDC) intends to take to improve air quality in the district between 2020 and 2025.
- 1.2 An Air Quality Management Area (AQMA) was declared for Market Hill, Maldon in 2018 when assessments of air quality predicted that the annual mean objective for the pollutant nitrogen dioxide would not be met.
- 1.3 Nitrogen Oxide and Dioxide [NO<sub>x</sub>] pollution arises primarily as emissions from combustion processes such as vehicle engines. The AQAP therefore puts forward a range of actions aimed at reducing NO<sub>x</sub> emissions to achieve the air quality objective for nitrogen dioxide.
- 1.4 The specific action plan measures as contained in the AQAP are detailed in **APPENDIX 1**. A source apportionment study and further modelling studies are set out at **APPENDICES 2** and **3** respectively. Maldon District Council (MDC) has a statutory duty to review and assess air quality within its area, and improvements will be assessed as part of the on-going monitoring within the borough. Action Plan updates will be produced and submitted to the Department for Environment, Food and Rural Affairs (DEFRA).
- 1.5 This ambitious Action Plan ensures that MDC will lead the way in improving air quality in Essex and will meet the air quality objectives by 2025.

#### **2. RECOMMENDATION**

That the Air Quality Action Plan 2020 - 2025 attached to this report at **APPENDIX 1** be adopted.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 Market Hill was declared an Air Quality Management Area (AQMA) in 2018. Section 84 of the Environment Act 1995 requires local authorities to develop Air

Quality Action Plans where they have been declared an AQMA, with such plans to detail remedial measures to tackle the problems within the AQMA.

- 3.2 In exercising this function regard must be had to the Secretary of State's guidance.
- 3.3 DEFRA issued policy guidance on Local Air Quality Management (LAQM) in 2016 together with LAQM Technical Guidance. This provides the framework for local authorities to review and improve air quality within their areas. One of the main requirements of the LAQM is that local authorities ensure that a current and relevant AQAP is in place for all AQMAs. It also provides guidance on the preparation of AQAPs.
- 3.4 The Council has regard to these documents in the preparation of the AQAP and the AQAP has been created using the DEFRA prescribed format.
- 3.5 Road vehicles are responsible for over 50% of the emissions of NO<sub>x</sub> in the UK. Burning fossil fuels in air produces these oxides. Both Nitric Oxide (NO) and Nitrogen Dioxide (NO<sub>2</sub>) are produced, with nitric oxide being the major primary pollutant.
- 3.6 The production of NO<sub>x</sub> is the first point in a complex series of chemical reactions, involving a range of other pollutants, including ozone. The concentration of the different elements of NO<sub>x</sub> will depend on the oxidising capacity of the local atmosphere.
- 3.7 Nitrogen Dioxide has been identified as having a number of possible adverse health effects, focused around the respiratory system, in both asthmatic and non-asthmatic subjects. Short-term exposures can increase reactivity to allergens, such as pollen. In some individuals high levels of nitrogen dioxide can precipitate or exacerbate episodes of asthma. Exposure of children to nitrogen dioxide may increase the risk of respiratory infections and possibly lead to poorer lung function in later life.
- 3.8 The AQAP outlines a range of actions that we will take to improve air quality in MDC between 2020 and 2025.
- 3.9 The AQAP actions can be considered under eight broad topics:
  - Alternatives to private vehicle use;
  - Freight and delivery management;
  - Promoting low emission transport;
  - Promoting travel alternatives;
  - Public information;
  - Transport planning and infrastructure;
  - Traffic management;
  - Vehicle fleet efficiency.
- 3.10 The action table contains:
  - a list of the actions that form part of the plan;

- the responsible departments / organisations who will deliver this action;
- resource implications;
- expected benefit in terms of emissions and concentration reduction;
- the timescale for implementation; and
- details of how progress will be monitored.

3.11 Monitoring and reporting of Air Quality is a statutory duty for Local Authorities in England, whereas the Highways are the responsibility of Essex County Council (ECC). Joint working is critical to the success of this plan, and some actions are reliant on the transport study being delivered before they can be implemented. ECC has committed to delivering the transport study by Summer 2021.

#### **4. OPTIONS AND ALTERNATIVES CONSIDERED**

4.1 It is a statutory requirement that an Air Quality Action Plan be produced for declared Air Quality Management Areas. If it is not produced, then DEFRA has broad powers of intervention under Section 85 of the Environment Act 1995 which includes the power to issue directions to require an authority to take such steps specified in the directions.

#### **5. SUSTAINABLE COMMUNITY STRATEGY PRIORITIES (AND OTHER NATIONAL OR LOCAL POLICIES OR STRATEGIES)**

5.1 The Council has integrated air quality into various strategy documents as it recognises that a multifaceted approach is required when addressing the complexities of air pollution.

5.2 These include the Health and Wellbeing Strategy, the Local Development Plan, the Maldon and Heybridge Central Area Masterplan, Corporate Plan, and the Development Management Policies.

#### **6. CONSULTATION**

6.1 When carrying out Part IV functions, Schedule 11 of the Environment Act 1995 Act and DEFRA's guidance, requires consultation with a range of persons and organisations. DEFRA is the key statutory consultee and will need to approve the final AQAP. In addition, Schedule 11 requires Local Authorities to consult the following:

- the Secretary of State;
- the Environment Agency;
- all neighbouring authorities;
- other public authorities as the authority considers appropriate;
- bodies representing local business interests,

- and other persons/ organisations as considered appropriate.
- 6.2 The above bodies were consulted between 2 March and 13 April 2020.
  - 6.3 Prior to this, the plan was presented and approved for consultation at the Strategy and Resources Committee on 20 February 2020.
  - 6.4 The draft plan also went out to public consultation between 2 March and 13 April 2020. Responses received were supportive of the action plan. Responses related mainly to support of improvements associated with a Transport Strategy for Maldon, which considers interventions and improvements to reduce emissions on Market Hill. As a result of this, along with comments received from DEFRA, the AQAP has been slightly amended.
  - 6.5 An up-dated version of the AQAP plan, using the latest DEFRA format, was reviewed and approved by the Air Quality Steering Group on 24 June 2020.
  - 6.6 The response to our stakeholder engagement is included within the updated report.
  - 6.7 Once adopted, a communications plan will be implemented to ensure that local residents and businesses are informed of the outcomes of the consultation process.

## **7. CONCLUSION**

- 7.1 The proposed Air Quality Action Plan outlines measures which will ensure that the air quality objective for Nitrogen Dioxide is met in Maldon in the shortest possible time, thus improving health outcomes for all residents.
- 7.2 The proposed plan has been approved by DEFRA and under Part IV of the Environment Act 1995, Local Authorities must produce an Air Quality Action Plan within 12 months of declaring an AQMA.
- 7.3 The consultation process undertaken here complied with legal requirements: it was undertaken at formative stage, provided adequate information for an intelligent response and adequate time for a response. To complete this process, Members must conscientiously take into account the views expressed by those who have taken part in the consultation when making their decision. Consultation responses are not binding on members but need to be taken into account.
- 7.4 Significant amendments to this plan will require a further public consultation.
- 7.5 The European Commission has formally launched infraction proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive. DEFRA has recently reminded Local Authorities of the discretionary power in Part 2 of the Localism Act under which the Government could require responsible authorities to pay all or part of an infraction fine.

## 8. IMPACT ON STRATEGIC THEMES

- 8.1 Improved air quality is identified as an outcome to protect and improve the environment under the theme of “Place”. This plan also supports open spaces, partnership working and environmentally friendly initiatives. In addition, working with communities to support health priorities supports the “Community” theme. Appropriate traffic management within Maldon supports tourism under the theme of “Prosperity”.

## 9. IMPLICATIONS

- (i) **Impact on Customers** – Improved air quality benefits all residents. The plan is linked to other improved public health outcomes such as increased active travel to tackle obesity. Improved use of public realm space supports a growing low emission local economy.
- (ii) **Legal Implications**
- (i) The statutory framework for air quality management is contained in Part IV of the Environment Act 1995 (as amended) (“the 1995 Act”) and the Air Quality (England) Regulations 2000 (as amended) (“the 2000 Regulations”). The 2000 Regulations set out the air quality objectives for England
- (ii) Section 82 of the 1995 Act provides that every local authority shall review the air quality within its area, both at the present time and the likely future air quality.
- (iii) Air Quality Management Areas (“AQMA”) can be designated under the 1995 Act where air quality objectives, as set out in the 2000 Regulations, are not being achieved, or are not likely to be achieved within the relevant period. Once an area has been designated (as the Council has), section 84 of the 1995 Act requires the local authority to develop an Air Quality Action Plan within 12 months detailing remedial measures to tackle the problems within the AQMA.
- (iv) DEFRA’s policy guidance on Local Air Quality Management (2016) together with DEFRA’s Technical Guidance are relevant to this and must be followed when preparing an Air Quality Action Plan.
- (v) Local Authorities must consult DEFRA, in addition to a range of other statutory consultees, when preparing an Air Quality Action Plan.
- (iii) **Impact on Equalities** – Working with a “Healthy Streets” approach which uses ten evidence-based indicators of what makes streets attractive places, will help to create healthier public realm space, in which all people are included and can live well, and where inequalities are reduced.
- (iv) **Impact on Risk** – The statutory framework for air quality management is contained in Part IV of the Environment Act 1995 (as amended) (“the 1995

Act”) and the Air Quality (England) Regulations 2000 (as amended) (“the 2000 Regulations”). The 2000 Regulations set out the air quality objectives for England.

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  - (iii) DEFRA’s policy guidance on Local Air Quality Management (2016) together with Technical Guidance are relevant to this and must be followed when preparing an Air Quality Action Plan.
  - (iv) Authorities must consult DEFRA, in addition to a range of other statutory consultees, when preparing an Air Quality Action Plan (as set out in section 6 of this report).
  - (v) The consultation process undertaken here complied with legal requirements: it was undertaken at formative stage, provided adequate information for an intelligent response and adequate time for a response. To complete this process, Members must conscientiously take into account the views expressed by those who have taken part in the consultation when making their decision. Consultation responses are not binding on members but need to be taken into account.
- (v) **Impact on Resources (financial) –**
- (i) The majority of actions are undertaken as part of a “*Business as usual*” approach. Essex County Council (ECC) has committed funding for 2020 /21 to deliver the Transport Strategy for Maldon. ECC and MDC have jointly committed to funding the Origin / Destination survey, to feed into this. Some actions have been identified as being reliant on the success of bidding for external funding from central government and other sources.
  - (ii) Section 106 of the Town and Country Planning Act 1990 allows the Council to enter into legal agreements with developers to make acceptable development that would otherwise be unacceptable in planning terms. This may include a requirement for the developer to pay financial contributions to mitigate the impact of the development to support implementation of an Air Quality Action Plan.
  - (iii) The Community Infrastructure Levy (CIL) Charging Schedule came into effect on 15 May 2014, and since that date, this is the principle means by which developments contribute towards infrastructure

provision. Both Section 106 and CIL monies may be available for actions to improve air quality in the district. All individual schemes would be subject to the usual approval processes.

- (vi) **Impact on Resources (human)** – The majority of MDC actions within the plan are undertaken as part of a “*Business as usual*” approach and delivered as a function of the Environmental Protection Team, with support from the Communications Team.
- (vii) **Impact on the Environment** – Improved air quality, and associated reduction in carbon emissions.
- (viii) **Impact on Strengthening Communities** – The actions include working with communities and partners to support our health and well being priorities. Actions are delivered with effective engagement with bus and taxi operators as well as local businesses and schools to support strong and resilient communities.

Background Papers:

**APPENDIX 1** – Air Quality Action Plan 2020-2025

**APPENDIX 2** – Source Apportionment Study

**APPENDIX 3** – Further Modelling Studies

All historic air quality documents are accessible on the council website:

[https://www.maldon.gov.uk/info/20099/pollution/9148/air\\_quality](https://www.maldon.gov.uk/info/20099/pollution/9148/air_quality)

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