

# Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

## Report of the Cabinet Member for Environment and Waste

**CABINET**

**6 NOVEMBER 2012**

**CAB12/039**

**AIR QUALITY MANAGEMENT AREA ACTION PLAN FOR NEWMARKET** (Key Decision Reference: Sep12/01)

### **1. Summary and reasons for recommendation**

- 1.1 An Air Quality Management Area (AQMA) was declared along the High Street and Old Station Road in Newmarket on 6 April 2009, due to slightly elevated levels of nitrogen dioxide believed to be produced by road traffic.
- 1.2 Following further detailed investigations and extensive monitoring, an Air Quality Action Plan (AQAP) has been produced, with the aim of reducing nitrogen dioxide levels within the AQMA, in accordance with the Council's statutory responsibilities.

### **2. Recommendation**

- 2.1 **The Cabinet are recommended approve the Air Quality Area Action Plan for Newmarket.**

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### **3. How will the recommendations help us meet our strategic priorities?**

- 3.1 Delivering the AQAP seeks to promote our strategic priorities by fulfilling our statutory responsibilities and meeting the National Air Quality Objectives within the AQMA. The Council's continued vision to embrace a clean, green and safe Forest Heath is compatible with the AQAP's aims and objectives.

### **4. Key Issues**

- 4.1 The UK's Government Air Quality Strategy 2007 has a primary aim to continually improve air quality throughout the UK. The strategy has set out different air quality pollutant objectives (target levels) to reflect the importance they have to public health and the environment. In determining the appropriate level for these objectives, social implications and economic goals have also been taken into account. The air quality objectives also aim to steadily decrease the ambient levels of pollutants, resulting in a continuous improvement in air quality; for nitrogen dioxide (NO<sub>2</sub>) an annual mean objective of 40µg.m<sup>3</sup> has been applied.
- 4.2 The Council is the lead regulator in the management of local air quality and Officers within the Environmental Health carry out various activities to fulfil the Council's responsibilities. Part IV of the Environment Act 1995 outlines the Council's main statutory duties and discretionary powers with regard to local air quality management. The Act requires local authorities to identify any areas where air quality objectives will not be met and designate them as AQMA's. The purpose of the AQMA is to ensure local authorities undertake further air quality investigations and put in to place an action plan to maintain air quality below the objective levels.
- 4.3 An AQMA was declared in Newmarket in 2009, due to elevated levels of NO<sub>2</sub>. The elevated levels of NO<sub>2</sub> are caused primarily by road transport vehicles which is a major source of air pollution nationally. The average annual mean results monitored within the AQMA in 2011 ranged from 20-40µg.m<sup>3</sup>. The annual mean results calculated for 2011 are consistent with monitoring results taken in 2009 and 2010.
- 4.4 In the UK most air pollution information services use the index and banding system recommended by the Committee on Medical Effects of Air Pollutants (COMEAP) for assessing pollution levels. The system uses an index numbered 1-10 divided into four Air Pollution Bandings (low, moderate, high and very high). The monitoring results monitored within the Newmarket AQMA fall into the low banding (0-60µg.m<sup>3</sup>) where at risk individuals can enjoy usual outdoor activities.
- 4.5 Even though the NO<sub>2</sub> levels within the AQMA are slightly elevated the Council is required to put into place an AQAP to maintain local air quality below the objective level. TRL Ltd was commissioned by the Council to propose potential action plan measures (see attached TRL Ltd report).
- 4.6 As part of the AQMA process it was necessary to establish a Steering Group which included statutory consultees and other interested parties. The aim of the Steering Group was to discuss the implications of the AQMA and measures put

forward by TRL Ltd; that would be suitable to include within the AQAP. The following organisations were invited to attend the Steering Group:

- Suffolk County Council
- Suffolk Police
- Suffolk Fire and Rescue
- Forest Heath Local Planning Authority
- Forest Heath Environmental Health
- Health Protection Agency
- TRL Ltd (air quality consultant)
- Newmarket Town Council
- Save Historic Newmarket Action Group
- The Jockey Club
- West Suffolk NHS
- Local business forums
- Forest Heath Economic Development Services
- Highways Agency

4.7 A Steering Group meeting was held on the 31 July 2012 and the group considered each option put forward by TRL Ltd. The group established 9 measures that were regarded as being practicable, based on a cost and benefit; that could be proposed to Members of Forest Heath District Council (TRL Ltd report page 31) for implementation. The costs involved in implementing the AQAP can not be fully established at this time but are believed to be cost effective.

4.8 Council Officers have also been working closely with the Department of the Environment, Food and Rural Affairs (Defra) in respect to local air quality. Each year the Council is required to report on local air quality within the Forest Heath district. At this time Defra is satisfied with the progress the Council has made in terms of dealing with the AQMA and are now awaiting the Council's proposals to improve air quality within the AQMA.

4.9 Council Officers are also working closely with partner organisations such as Suffolk County Council and the Highways Agency to look at ways transport can be better managed within the Forest Heath district. In addition residents within the vicinity of the AQMA have been contacted by letter and were invited to a meeting to discuss the implications of the AQMA.

## **5. Other options considered**

5.1 During the Steering Group meeting all the different options put forward by TRL were fully discussed. Each option was assessed using cost and benefit evaluation.

5.2 The AQAP was discussed at the Overview & Scrutiny Committee (O&SC) on the 27 September 2012. There were concerns raised regarding whether future developments needed to be taken into account in respect to producing the AQAP. Members also asked that Officers worked with Suffolk County Council and the Highways Agency to tackle congestion at the A14/A142 junction. The AQMA is monitored on a monthly basis and the Council is required to report findings to government each year. This process also includes reviewing and amending the AQAP if there has been substantial change in the local air quality.

Officers will work with the appropriate authorities and developers to reduce air quality problems including congestion issues within the AQMA.

5.3 The O&SC also asked that the following issues be considered by Cabinet:

- a) Parking restrictions (one side) in Old Station Road, Newmarket.
- b) Interactive bus timetables to be included in S106 agreements.
- c) Raising with Government the need for improving the rail links at Chippenham junction at the Newmarket side by doubling the rail tracks.
- d) When taxis are sitting in the ranks in Newmarket, waiting for fares, the engines are to be switched off.

## **6. Community Impact**

6.1 **Crime and Disorder Impact** *(including Section 17 of the Crime and Disorder Act 1998)*

6.1.1 There are no crime and disorder impacts emanating from the Air Quality Action Plan.

6.2 **Diversity and Equality Impact** *(including the findings of the Equality Impact Assessment)*

6.2.1 There are no human rights or diversity implications emanating from the Air Quality Action Plan.

6.3 **Sustainability Impact** *(including completing a Sustainability Impact Assessment)*

6.3.1 Air quality is interlinked with climate change and sustainability. The AQAP recognises these relationships and aims to ensure that air pollution remains below nationally prescribed levels.

6.4 **Other Impact** *(any other impacts affecting this report)*

6.4.1 The implementation of the AQAP will have a positive impact on the community.

**7. Consultation** *(what consultation has been undertaken, and what were the outcomes?)*

7.1 Many different groups were engaged with as part of the AQMA process including statutory consultees and other interested parties (see paragraph 4.6 above).

**8. Financial and resource implications** *(including asset management implications)*

8.1 There are resource implications in terms of delivering the AQAP. The Council's Environmental Protection budget includes the ongoing sum of £3,500 for Air Quality Monitoring and there is an amount of £27,937 provided for as a "one-off" sum in the same budget for Air Quality Management, arising from a previously approved Service Improvement. This is considered sufficient budget to implement some of the minor actions within the direct control of the Council. The implementation of the AQAP will, however, incur further expenditure which can not be fully assessed at this time, although it is anticipated that those

measures that come within the control of partner agencies would be willing to fund these measures directly. Should this not be the case a further report will be submitted to Cabinet outlining any budget deficit in order that further decisions on expenditure can be considered based on current information.

**9. Risk/Opportunity Assessment** *(potential hazards or opportunities affecting corporate, service or project objectives)*

<b>Risk area</b>	<b>Inherent level of Risk</b> (before controls)	<b>Controls</b>	<b>Residual Risk</b> (after controls)
Public Health	Medium	By implementing the AQAP it will improve the air quality within the AQMA.	Low
Statutory Responsibilities	High	The production and delivery of the AQAP will demonstrate to government that the Council is fulfilling its statutory obligations.	Low
Reputational	High	The production and delivery of the AQAP will help to maintain the reputation of the Council.	Low
Financial	High	Each proposed action will need to be assessed to ensure the delivery will be cost effective. The use of S106 agreements (or equivalent measures) will reduce the financial risks to the Council still further.	Medium/low

**10. Legal and policy implications**

10.1 There is detailed legislation that regulates air quality and places duties and responsibilities on the Council to manage air quality in its area.

**11. Wards affected**

11.1 Even though the local air quality within Forest Heath is generally good, the AQMA within Newmarket has been identified as having a greater need for monitoring and improvement. The implementation of the AQAP seeks to make improvements where needed.

**12. Background papers**

12.1 None

**13. Documents attached**

13.1 Appendix – Transport Research Laboratory (TRL) Report – Local Air Quality Management Action Plan for the Air Quality Management Area at Newmarket