

Licensing and Regulatory Committee



Forest Heath
District Council

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| Title of Report: | Proposals to Revise the Air Quality Management Area Designation in Newmarket | |
| Report No: | LIC/FH/17/004 | |
| Report to and date/s: | Licensing and Regulatory Committee | 10 April 2017 |
| Portfolio holder: | Lance Stanbury Portfolio Holder for for Planning and Regulatory Tel: 07970 947704 Email: lance.stanbury@forest-heath.gov.uk | |
| Lead officer: | Peter Gudde Service Manager Environmental Health Tel: 01284 757042 Email: peter.gudde@westsuffolk.gov.uk | |
| Purpose of report: | To report the findings of the external consultation on a review of the Newmarket Air Quality Management Area and to make recommendations. | |
| Recommendation: | It is recommended, based on the review and findings of the consultation, that the Committee approves the amendments to the Air Quality Management Area designation in Newmarket, which will implement the revised order and map as shown in Appendix B (of Report No: LIC/FH/17/004). | |
| Key Decision: | <p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p> | |
| Consultation: | <ul style="list-style-type: none"> Section 2 of the report presents the findings of the public consultation | |

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| <p>Alternative option(s):</p> | <p>The alternative options were set out in Report Ref. LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016:</p> <ul style="list-style-type: none"> • Do Nothing – We could leave the High Street within the Air Quality Management Area, however, officers believe that this would unfairly label the High Street as having unsafe levels of pollution, when the evidence demonstrates this is not the case. Removing the designation from the High Street should improve the reputation of the town. • Revoke the AQMA – We could completely revoke the Air Quality Management Area, removing the designation from Old Station Road as well as from the High Street, however, officers believe that more data is needed to ensure that levels of pollutants on Old Station Road are acceptable. It should be noted that Old Station Road is more sensitive in terms of the regulations as there are ground floor residential dwellings. |
| <p>Implications:</p> | |
| <p>Are there any financial implications? If yes, please give details</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • |
| <p>Are there any staffing implications? If yes, please give details</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • |
| <p>Are there any ICT implications? If yes, please give details</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <ul style="list-style-type: none"> • |
| <p>Are there any legal and/or policy implications? If yes, please give details</p> | <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <ul style="list-style-type: none"> • The proposed changes to the Air Quality Management Area are based on the body of evidence that officers have gathered as part of our statutory responsibilities under the Air Quality Management Regulations. Work to monitor and take action to improve air quality will continue using both our statutory and non-statutory powers. |
| <p>Are there any equality implications? If yes, please give details</p> | <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> |

| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
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| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| Statutory Responsibilities | Medium | Delivering the statutory responsibilities will help reduce the inherent level of risk. | Low |
| Reputational | Medium | The Council's work will help achieve a credible pathway to improving air quality. | Low |
| Financial | Low | Cost-benefit of key work will continue to be reviewed and adjusted. | Low |
| Community | Medium | Management of air quality in Newmarket through the Council engaging with local stakeholders to deliver an effective Air Quality Management Action Plan | Low |
| Ward(s) affected: | | All Saints, St. Mary's and Severals Wards | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016 | |
| Documents attached: | | Appendix A – Existing Order and map Appendix B – Recommended Order variation and map | |

1. Key issues and reasons for recommendation(s)

- 1.1 This report sets out the findings of a consultation following this Committee's decision taken in October 2016 to consult on the revision of the Air Quality Management Area (AQMA) designation in Newmarket (LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016 refers). The proposed changes to the AQMA comprised of the removal of the designation from the High Street and undertaking more extensive monitoring along Old Station Road. Small areas designated along Bury Road and Fordham Road will also be removed from the designation as there are no relevant receptors (residential dwellings) on the relevant sections of these roads. LIC/FH/16/005, Local Air Quality Strategy Progress Report 2015-2016, 10 October 2016 set out the context and reasons why your officers recommended that changes to the existing AQMA designation (See Appendix A) and the adoption of the revised designation (Appendix B).
- 1.2 This Committee approved a recommendation to undertake external consultation on the proposal to amend the Air Quality Management Area designation in Newmarket.

2. Results of External Consultation

- 2.1 Based on the statutory guidance under the Regulations and following discussion with key stakeholders, consultation was undertaken with both statutory and non-statutory consultees including Newmarket Town Council and all relevant District and County Councillors together with local business representatives. The consultation ran from the 12th December 2016 to the 3rd February 2017.
- 2.2 All responses received during the consultation are summarised below:
- Department for the Environment, Food and Rural Affairs (Defra) as the central government department responsible for Air Quality Regulation – Defra did not respond directly to the consultation. However, they provided the following comments in relation to the proposals to amend the AQMA when responding to our 2016 Annual Status Report: *"They [FHDC] plan to amend their AQMA to exclude the High Street as it has consistently shown levels below the annual mean objective at relevant receptors. This is supported, as the concentrations have been shown to be well within the objective concentration for at least the last 5 years."*
 - East Cambridgeshire District Council– *"agree with the proposal to reduce the size of the AQMA in Newmarket town centre."*
 - Suffolk County Council Highways – Did not explicitly state that they were in agreement with the proposals. However, they did thank officers for the good news and confirmed that they *"will continue to bear the history of this site in mind for the future, specifically in our team if we are made aware of any significant developments that may increase traffic flows."*
 - Newmarket Business Improvement District (BID) – *"Generally, the BID's view is that we are happy with anything that can improve local air quality. Also happy to support going forward."*

- Newmarket Town Council – Comments were received from the Town Clerk and from Town Councillor Rachel Hood. The comments expressed a “*strong objection to the ceasing of the air quality monitoring in the town.*” The comments expanded to state that “*It is obvious that Newmarket’s air quality on the High Street and surrounding locations is unacceptable,*” with specific comment on the areas surrounding the taxi ranks.
- South Cambridgeshire District Council – Comments were received after the consultation deadline, but have been included here for completeness. The comments were supportive, noting that the reduction in size rather than revoking provides confidence that it’s being well managed. It was also noted that the remaining AQMA could be a valuable regulatory tool in relation to any new developments which may impact upon it.

2.3 With the exception of the response from Newmarket Town Council, the responses to the consultation were in favour of the proposal. Comments from Defra and our neighbouring district councils endorsed the technical interpretation your officers have made in this case.

2.4 With regards to the comments from Newmarket Town Council, the objection related to concern that the District Council would cease air quality monitoring in the Town. Your officers gave assurances that there are no plans to stop monitoring. Your officers will continue to monitor air quality, as long as it remains necessary and meaningful, to ensure that the measured improvements in air quality are maintained and to identify any locations where future action may be required.

Officers will continue to work to further improve the air quality in Newmarket and where necessary respond to complaints regarding poor air quality in the same manner that we do throughout West Suffolk.

Officers have successfully engaged with Newmarket Town Council to clarify the District Council’s commitment to continue monitoring and to explore areas where the two organisations could work more closely together and with other stakeholders including the BID, for example with awareness raising and other actions. This work has already commenced.

2.5 Based on the outcome of the consultation, it is recommended that the Committee approves the amendments to the Air Quality Management Area designation in Newmarket as shown on the plans in Appendix B.

2.6 Should this Committee approve the recommendation, officers will continue to take the following actions to ensure the air quality in Newmarket continues to be protected:

- Continue monitoring Air Quality (levels of NO₂) both within the remaining Air Quality Management Area on Old Station Road, and along the High Street where the designation will be removed.
- Continue to respond to any complaints or concerns regarding air pollution in Newmarket, including concerns regarding taxis idling in the ranks on the High Street.
- Engage with Newmarket Town Council and Newmarket Business

Improvement District to identify and take forward any areas for shared working to improve air quality.

- Continue to comment on planning applications and request mitigation on air quality matters affecting the town, where appropriate.
- Continue to lobby, support and where necessary, invest in the installation of electric vehicle charge points both in new major residential and commercial developments and as part of ongoing improvements to existing transport infrastructure.

2.7 Following approval for the amendments is given by this Committee, the following steps will be taken:

- Amend the Air Quality Management Area Order;
- inform Defra and other statutory consultees as required by the Local Air Quality Management, Policy Guidance, April 2016:
- Take forward work to refresh the Air Quality Management Area Plan with active participation sought from key stakeholders.