

## Officer decision record

Officer Jennifer Eves	Service HR, Governance and Regulatory
<b>Delegated power being exercised</b>	
To make a decision to revoke the Newmarket AQMA	
Subject of decision	Newmarket AQMA
Decision taken (specify precise details)	To revoke the Newmarket AQMA
Reasons for the decision (specify all reasons for taking the decision including, where necessary, reference to council policy)	<p><i>A paper has been prepared that outlines this decision and rationale – a summary is provided below; (Attached in Appendix to this decision record)</i></p> <p>Local authorities have a duty under the Environment Act 1995 to monitor the quality of air within their administrative areas, produce an annual report and designate special management areas known as Air Quality Management Areas (AQMA) where set objectives are breached.</p> <p>Following a detailed assessment in 2008 which identified potential breaches of the annual mean air quality objective for nitrogen dioxide, an AQMA was declared along Newmarket High Street and Old Station Road. This was taken to the Forest Heath District Council's (FHDC) Community Services Committee on 17 March 2009 for the committee to note, and the formal declaration was made in April 2009.</p> <p>Substantial monitoring was undertaken along High Street from 2008 and sufficient evidence was available to confirm that there were no breaches of</p>

	<p>the objective and the AQMA could be removed from the High Street. This was formerly completed with an amendment of the AQMA in 2017. This was taken to the FHDC Licensing and Regulatory Committee in April 2017 for the committee to approve.</p> <p>However, at this time, monitoring data along Old Station Road was limited to one monitoring point and there was insufficient evidence to confirm compliance for this part of the AQMA.</p> <p>An additional two monitoring points were added along Old Station Road in 2016 and a third additional point was added in 2017, making a total of four monitoring points along approximately 125m of Old Station Road.</p> <p>Monitoring of these locations has shown that the levels are comfortably below the objective level of 40 micrograms per meter cubed (40 <math>\mu\text{g}/\text{m}^3</math>), with the highest recorded value being 36.6 <math>\mu\text{g}/\text{m}^3</math> in 2017</p>
<p>Alternative options considered (if appropriate)</p>	<p>Given the above results, there is no breach or likely breach of the air quality objectives and therefore no legal reason for the AQMA to stay in place.</p> <p>While there is no legal reason to retain the AQMA, revocation of the AQMA does not mean that we are going to stop monitoring air pollution in Newmarket. We are committed to continuing monitoring both in Newmarket and throughout West Suffolk.</p> <p>We are also committed to continuing our work to reduce levels of pollution throughout West Suffolk, including enabling zero emission vehicles and undertaking engagement with schools and local communities (when current COVID-19 restrictions allow).</p> <p>We will also continue to undertake any localised work where required, for example, although we removed</p>

	<p>Newmarket High Street from the AQMA area in 2017, we continued to work with the our licensing department throughout 2017 to remind taxi drivers of the importance of switching off engines while waiting for customers, which resulted in the monitoring point adjacent to the Newmarket High Street taxi rank having the greatest drop in pollution in the old Forest Heath District in that year (9% drop in pollution when compared to 2016) with further drops in pollution recorded in 2018 and 2019 in this location.</p> <p>The presence of an AQMA could be a factor in planning decisions. However, where the levels are comfortably below the air quality objective, as is the case in Newmarket, the presence or otherwise of an AQMA is unlikely to significantly change the importance of air quality in the final planning decision.</p>
<p>Background/reports/information considered and attached (legal, personnel, financial implications and so on)</p>	<p>See Appendix below</p>
<p>Parties consulted before the decision has been taken</p>	<p>Formal consultation has been undertaken and this ran from the 11<sup>th</sup> June 2021 to the 19 July 2021.</p> <p>The consultation documents were sent to all Newmarket Councillors (District and County), Newmarket Town Council, Newmarket Bid, The Jockey Club, Environment Agency, Highways England, Suffolk County Council Highways and all neighbouring local authorities. Letters were also sent to residents and businesses within the impacted area.</p> <p>There were only two responses and both supported the decision to revoke the AQMA – including a reply from the Environment Agency.</p> <p>Post the consultation process and prior the decision to revoke the AQMA, the Portfolio Holder for Regulatory Services was consulted, as was the Chair and</p>

	Deputy Chair of Licensing and Regulatory Committee. All are supportive of this approach.
Conflicts of interest declared by executive members consulted, including whether the Chief Executive has authorised councillors with conflicts to continue to act	None
Decision	As outlined in 'decision taken' section of this form above To revoke the Newmarket AQMA
Signature and date	
<p>Jennifer H Ewes</p> <p>27.7.21</p>	

# Appendix

## Revocation of Newmarket Air Quality Management Area (AQMA)

### 1. Background

Local authorities have a duty under the Environment Act 1995 to monitor the quality of air within their administrative areas, produce an annual report and designate special management areas known as Air Quality Management Areas (AQMA) where set objectives are breached.

Following a detailed assessment in 2008 which identified potential breaches of the annual mean air quality objective for nitrogen dioxide, an AQMA was declared along Newmarket High Street and Old Station Road. This was taken to the Forest Heath District Council's (FHDC) Community Services Committee on 17 March 2009 for the committee to note, and the formal declaration was made in April 2009.

Substantial monitoring was undertaken along High Street from 2008 and sufficient evidence was available to confirm that there were no breaches of the objective and the AQMA could be removed from the High Street. This was formerly completed with an amendment of the AQMA in 2017. This was taken to the FHDC Licensing and Regulatory Committee in April 2017 for the committee to approve.

However, at this time, monitoring data along Old Station Road was limited to one monitoring point and there was insufficient evidence to confirm compliance for this part of the AQMA.

An additional two monitoring points were added along Old Station Road in 2016 and a third additional point was added in 2017, making a total of four monitoring points along approximately 125m of Old Station Road.

### 2. Context

Monitoring of these locations has shown that the levels are comfortably below the objective level of 40 micrograms per meter cubed ( $40 \mu\text{g}/\text{m}^3$ ), with the highest recorded value being  $36.6 \mu\text{g}/\text{m}^3$  in 2017. Results are summarised in the below table. Please note that 2020 annual results are provisional and have been impacted by the various Covid-19 related restrictions in place throughout the year.

	Nitrogen dioxide annual mean ( $\mu\text{g}/\text{m}^3$ )
--	---

Location (all Old Station Road)	2015	2016	2017	2018	2019	2020
No. 23 Old Station Road	-	25.3	25.7	24.3	23.9	19.5
No. 36 Old Station Road	-	32.8	35.6	27.7	28.5	23.2
Junction with Rous Road	32.1	29.8	31.6	26.6	27.1	21.3
No. 18 Old Station Road - Nancy's Teashop	-	-	36.6	32.4	31.0	23.2

Given the above results, there is no breach or likely breach of the air quality objectives and therefore no legal reason for the AQMA to stay in place. The proposed revocation was outlined in our 2020 annual report and Defra have confirmed in their feedback from this report that they agree with the decision to revoke the Newmarket AQMA. Revocation would reduce any statutory burden and allow officers greater time to focus on district wide air quality improvements.

Revocation of the AQMA does not mean that we are going to stop monitoring air pollution in Newmarket. We are committed to continuing monitoring both in Newmarket and throughout West Suffolk. We are also committed to continuing our work to reduce levels of pollution throughout West Suffolk, including enabling zero emission vehicles and undertaking engagement with schools and local communities (when current COVID-19 restrictions allow).

We will also continue to undertake any localised work where required, for example, although we removed Newmarket High Street from the AQMA area in 2017, we continued to work with the our licensing department throughout 2017 to remind taxi drivers of the importance of switching off engines while waiting for customers, which resulted in the monitoring point adjacent to the Newmarket High Street taxi rank having the greatest drop in pollution in the old Forest Heath District in that year (9% drop in pollution when compared to 2016) with further drops in pollution recorded in 2018 and 2019 in this location.

The presence of an AQMA could be a factor in planning decisions. However, where the levels are comfortably below the air quality objective, as is the case in Newmarket, the presence or otherwise of an AQMA is unlikely to significantly change the importance of air quality in the final planning decision.

### **3. Aim of consultation**

Officers will consult with key partners (Suffolk County Council Highways and Public Health, neighbouring authorities and Newmarket Town Council) to invite feedback should they think there are any other factors that need to be considered before making any formal decision.

#### **4. Methodology / approach**

The consultation ran from the 11<sup>th</sup> June 2021 to the 19 July 2021 (just over 5 weeks).

The consultation documents were sent directly by email to all Newmarket Councillors (District and County), Newmarket Town Council, Newmarket Bid, The Jockey Club, Environment Agency, Highways England, Suffolk County Council Highways and all neighbouring local authorities. A reminder email was sent a week before the consultation closed. We also sent letters to residents and businesses within the impacted area. The consultation was on our usual consultation page with a link from the West Suffolk air quality page. There was also an article in the Newmarket Journal on Thursday 15<sup>th</sup> July.

#### **5. Findings**

We only had two response – summarised below:

- Environment Agency – “Air Quality is still one of our key inspection topics from regulated industry and although we have made significant improvements over the last few decades on this we recognise the contribution that AQMAs have added to driving emissions from all sources down to acceptable levels. The Newmarket AQMA planned revocation is another success story driven by West Suffolk Council and it’s encouraging to note that monitoring will continue to ensure that further opportunities are identified.”
- Cllr Andy Drummond – “Thank you – it was inevitable! Andy”

#### **6. Risks**

None identified

#### **7. Proposal & rationale**

To revoke the Newmarket AQMA and continue to monitor air quality in this area.

#### **8. Governance / Decision making process**

The licensing committee, since West Suffolk was formed, hasn’t considered any air quality management issues of this nature. In general, there is a presumption embedded in the constitution and specifically in relation to the Licensing Committee that unless it is specified it must be referred to the Committee to determine, it is assumed that it is a matter for officers unless as a matter of judgement it is referred to the Committee to determine. In such cases, the Director should consult with

the Chair and Vice-Chair for their thoughts on whether it should be determined by officers, or by the Committee.

It was concluded that we could make this as an officer lead decision or take it to L&R. The decision on process would be made following consultation.

**9. Proposed timescale:**

TBC

**10. Next steps**

Clear approach with PH Cllr Drummond and Chair and Vice-chair of L&R

Revoke AQMA (by order sealed by the council)

Liaise with comms

Briefing for L&R at next committee meeting to advise of action taken.