



PART A:	MATTERS DEALT WITH UNDER DELEGATED POWERS
REPORT TO:	COMMUNITY SERVICES COMMITTEE
DATE:	26 NOVEMBER 2009
REPORT OF THE:	HEAD OF ENVIRONMENT PHIL LONG
TITLE OF REPORT:	THE MALTON AIR QUALITY MANAGEMENT AREA ORDER 2009 – RESULTS OF CONSULTATION
WARDS AFFECTED:	MALTON

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 To advise Members as to the results of the consultation on the extent of the proposed Air Quality Management Area and seek Members approval for the confirmation of the proposed area and its submission to Defra.

2.0 RECOMMENDATION

- 2.1 It is recommended that:

- (i) Members approve the Malton Air Quality Management Area Order as attached to the report

3.0 REASON FOR RECOMMENDATION

- 3.1 Where a Detailed Assessment shows that one or more air quality objectives is/are likely to be breached the Council must designate an Air Quality Management Area (AQMA), covering the area affected. Following consultation on a draft AQMA the proposed AQMA has been slightly amended to ensure that it encompasses all known and predicted areas of exceedence where there is relevant exposure.

4.0 SIGNIFICANT RISKS

- 4.1 Local authorities have a duty under section 83(1) of the Environment Act 1995 to designate an AQMA where the air quality objectives are unlikely to be, or are not being met. A Detailed Assessment concluded that an AQMA should be designated and this has been confirmed by Defra. The Council are required to undertake consultation to determine the extent of the AQMA, and to initiate policies for subsequent action to improve poor air quality. The Council have consulted on the

draft AQMA as required and following approval by this Committee the AQMA Order will be published and Defra notified.

REPORT

5.0 BACKGROUND AND INTRODUCTION

5.1 A report was submitted to the Community Services Committee on 26 March 2009, advising Members of the Council's Detailed Assessment of nitrogen dioxide pollution in Malton and seeking approval to submit the report to Defra with a view to declaring an AQMA. In addition, following confirmation from Defra on the need to declare an AQMA, it was resolved that public consultation should be undertaken on the extent of such an area.

6.0 POLICY CONTEXT

6.1 Statutory requirements – Part IV of the Environment Act 1995 requires London boroughs, district and unitary Councils in England to conduct local air quality reviews. Defra have issued guidance documents to assist local authorities in conducting their reviews of air quality which, in accordance with Section 88(2) of the Act, local authorities are required to have regard to when carrying out their local air quality management duties. The system is an integral part of delivering the objectives set out in the National Air Quality Strategy. New policy and technical guidance was published in February 2009.

6.2 Community Plan – Landscape and Environment Action Plan

6.3 Council Plan 2009-13 – Corporate Aim – To have a high quality, clean and sustainable environment

6.4 Health and Environment Service Delivery Plan 2009-13 – To undertake the next round of Update and Screening Assessments on local air quality and implement the results of the Detailed Air Quality Assessment for nitrogen dioxide.

7.0 CONSULTATION

7.1 The Environment Act 1995 provides for the statutory basis for consultation and liaison in respect of local air quality management. Local authorities must consult on the preparation of an AQMA and a list of statutory consultee's is provided in Schedule 11 of the Act. In addition to the relevant statutory agencies a letter outlining the proposal to declare an AQMA together with a copy of the draft AQMA Order and map was sent to every address in the proposed area. The letter was also sent to all Malton District Councillors, Malton and Norton Town Councils, Fitzwilliam Estate, Malton and Norton Business in Action. The proposals appeared in both local papers and a copy of the draft order was published on the Council's website

7.2 The consultation responses receive to date are as follows:

- NYCC Highways – Support. Query on the length of some of the roads covered by the proposed Order being greater than the exceedence/potential exceedence of the objective. Keen to support the Council and this partnership working will be of particular importance in terms of developing the Action Plan for the AQMA, once declared.

- Environment Agency – No comment
- Norton Town Council – Support and look forward to the proposal being implemented. Councillors interested in how we would resolve the problem areas once the Order was in place.
- Malton and Norton Business in Action – requiring clarification on the implications of the proposed area
- 2 Residents requiring clarification on the implications of the proposed area
- 1 business requiring clarification on the implications of the proposed area

8.0 REPORT DETAILS

- 8.1 A Detailed Assessment of nitrogen dioxide was undertaken in Malton to provide an accurate assessment of the likelihood of the air quality objective for this pollutant being exceeded at locations with relevant public exposure. The Detailed Assessment showed that that exceedence of the annual mean air quality objective level for nitrogen dioxide is likely to be occurring in several areas within Malton town centre where there is relevant exposure (i.e. that the objective is not being met at the facades of some residential properties in the town). The need for an AQMA designation arises primarily because of local transport pollution.
- 8.2 Where a Detailed Assessment shows that one or more air quality objectives is/are likely to be breached the Council must designate an AQMA, covering the area affected. The Detailed Assessment recommended that Ryedale District Council should declare an AQMA to cover the areas of likely exceedence. Defra confirmed acceptance of the report and the requirement to declare an AQMA by letter on 13 July 2009. Defra recommended that the Council set the boundaries of the AQMA to include an area wider than the areas of technical exceedence suggested by the modelling. This is to ensure that the proposed AQMA will include all locations of exceedence. The draft Order identifies the roads and properties that the Council proposes to include in the AQMA. Although the Detailed Assessment indicates that the annual mean objective is not being breached throughout the proposed area, it is considered that declaring a single area encompassing all the required locations is preferable to declaring multiple smaller AQMAs. As well being more administratively complex, the designation of multiple smaller AQMAs would increase the risk of missing out areas of exceedence.
- 8.3 A draft AQMA Order has been consulted on. The consultee's and their responses are detailed in Section 7 of this report. As a result of reviewing the proposed designation a few minor amendments to the draft Order have been made to the Order proposed for adoption. A copy of the proposed Order is available in Annex B.

9.0 IMPLICATIONS

- 9.1 The following implications have been identified:
- Financial:** At this stage there are no financial implications.
 - Legal:** Where a Detailed Assessment shows that one or more air quality objectives is/are likely to be breached the Council must designate an Air Quality Management Area (AQMA), covering the area affected
 - Policy Frameworks:** The declaring of the AQMA will have implications for the forthcoming Local Development Framework (LDF) and for the County Council in

the development of their Local Transport Plan 3 (LTP3). Both plans will have to have regard to the need to minimise the traffic pollution in this area in order to achieve the air quality objective and as such will be integral in the development of an Air Quality Action Plan

10.0 NEXT STEPS

- 10.1 Following approval of the AQMA Order the Council will have to complete a Progress Report by April 2010 and a further air quality assessment within 12 months of the Order being made. This is intended to supplement the information provided in the Detailed Assessment. In addition, an Action Plan must be produced within 18 months of the Order being made, the purpose of which is to identify appropriate measures to implement in order to reduce the level of nitrogen dioxide in the AQMA so that the air quality meets the required standard.

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Background Papers:

Ryedale District Council – **Air Quality Review and Assessment – Detailed Assessment** - Community Services Committee. 26 March 2009.

Defra – Local Air Quality Management - Policy Guidance PG(09).February 2009

Background Papers are available for inspection at:
Ryedale House, Malton or www.ryedale.gov.uk