F. McArdle
Chief Executive

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Our ref: DT/CL
Your ref:

Date: 20 November 2013

Dear Councillor,

Environmental and Development Services Committee

A Meeting of the **Environmental and Development Services Committee** will be held in the **Council Chamber**, on **Thursday, 21 November 2013** at **18:00**. You are requested to attend.

Yours faithfully,

Chief Executive

To:- **Conservative Group**
Councillor Watson (Chairman), Councillor Roberts (Vice-Chairman) and Councillors Mrs. Brown, Ford, Mrs. Hall, Mrs. Patten and Stanton.

Labour Group
Councillors Chahal, Frost, Mulgrew, Stuart, Taylor and Tilley.

AGENDA

Open to Public and Press

1	Apologies	
2	To receive the Open Minutes of the Meeting held on 3rd October 2013.	
3	To note any declarations of interest arising from any items on the Agenda	
4	To receive any questions by members of the public pursuant to Council Procedure Rule No.10.	
5	To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11.	
6	Reports of Overview and Scrutiny Committee	
7	Corporate Plan 2009 - 14: Performance Management Report	**5 - 14**
8	HS2 Phase 2 Route Consulation.	**15 - 20**
9	Repton Detailed Air Quality Assessment	**21 - 57**
10	Regulator and Business Partnership Charter	**58 - 64**
11	Work Programme	**65 - 66**

Exclusion of the Public and Press:

12 The Chairman may therefore move:-

That in accordance with Section 100 (A) of the Local Government Act 1972 the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of

the Act indicated in the header to each report on the Agenda.

13 To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.

14 To receive the Exempt Minutes of the Meeting held on 3rd October 2013.

15 Review of Land Charges Function

REPORT TO:	**Environmental & Development Services Committee**	**AGENDA ITEM: 7**
DATE OF MEETING:	**21st November 2013**	**CATEGORY: DELEGATED**
REPORT FROM:	**Director of Community & Planning Services / Director of Housing & Environmental Services / Chief Executive**	**OPEN**
MEMBERS' CONTACT POINT:	**Stuart Batchelor (ext. 5820) Bob Ledger (ext. 5775) Frank McArdle (ext 5700)**	**DOC:**
SUBJECT:	**Corporate Plan 2009-14: Performance Management Report (1 July – 30 September 2013)**	**REF:**
WARD (S) AFFECTED:	**All**	**TERMS OF REFERENCE:**

1.0 Recommendations

1.1 That Members:

(a) Note the progress and achievements during the period 1 July to 30 September 2013, in relation to the Council's Corporate Plan 2009/14.

(b) Review where progress has failed to achieve the specified target and consider the adequacy of the remedial action taken.

2.0 Purpose of Report

2.1 To report details of progress and achievements during the period 1 July to 30 September 2013, in relation to the Council's Corporate Plan 2009 –2014.

2.2 Details are provided in the respective appendices outlined below, which are attached to this report.

- ☑ Progress against Corporate Plan 'Key Projects' as attached at Appendix A; and,
- ☑ Progress against Corporate Plan 'Performance Measures' as attached at Appendix B.

3.0 Detail

Executive Summary

It is important that Members scrutinise the performance of the Council as part of the democratic process. This report reflects the second quarter's performance on the key targets the Council has set and approved.

Corporate Plan 2009/14

3.1 To provide context the Council's Corporate Plan 2009-14 Action Plan consists of four main themes or priorities (*Sustainable Growth & Opportunity: Safe & Secure: Lifestyle Choices:* and *Value For Money*).

3.2 In March 2013, the Corporate Plan was refreshed along the current themes, with an emphasis being placed on how our actions will make a difference to our residents and stakeholders. In order to focus our actions, performance will be measured against a reduced number of actions or key projects and performance measures.

3.3 Each theme contains a number of outcomes that help explain what the theme is about. In order that the Council and its stakeholders are able to tell whether the outcomes are being delivered, a number of key projects (with a series of tasks/ milestones) and performance measures have been allocated to each outcome that will be monitored either on a quarterly or annual basis.

3.4 This Committee is responsible for the delivery of 3 outcomes [*Developing economic and employment opportunities within the District; increasing recycling resulting in less waste being sent to landfill; and, sustainable planning*] within the ***Sustainable Growth & Opportunity*** theme.

Progress to 30 September 2013

Key Projects

3.5 Table 1 below; summarises the progress made against key projects. It shows that 6 (85.7%) tasks for the quarter have been completed.

Table 1: Progress against Corporate Plan Projects (as at 30 September 2013)

Theme	'Completed' Tasks	'Failed' Tasks	'Not Applicable'	Total
Sustainable Growth & Opportunity	6 (85.7%)	1 (14.3%)	0	7 (100%)

3.6 Those tasks that have not been completed and the remedial action taken are summarised in Table 2 below.

Table 2: Corporate Plan – Key Projects– 'Failed' Tasks (as at 30 September 2013)

Project	Task 'not completed'	Remedial Action
GP 06 -Progress the Planning Core Strategy as part of the District's Local Development Framework (LDF)	GP 06.2 - Publish the Draft Local Plan	A further round of consultation is being undertaken on the Sustainability Appraisal in line with other HMA local authorities.

Performance Measures

3.7 Table 3 overleaf provides a summary of performance against targets for both the current quarter and projected out turn for the year. It shows that one (33.3%) quarterly target has

been ‘achieved’. No targets have been set for any of the proxy’ measures. It is also predicted that 2 (50.0%) targets are ‘on track’ for the year end.

Table 3: Performance Measures – performance against targets (as at 30 September 2013)

Theme	Quarter 2 Target			Total	Projected Annual Target		
	‘Achieved’	‘Failed’	‘N/a’ / Proxy[Note 1]		‘On Track’	‘At Risk’	‘Proxy’[Note 1]
Sustainable Growth & Opportunity	1 (33.3%)	2 (66.7%)	8	**11 (100%)**	2 (50.0%)	2 (50.0%)	7

Note 1 Proxy Measures are outside the Council’s direct control but provide an indication of the ‘overall health of the district’ For instance: A Council Strategy to ‘improve employment opportunities in the area’ may have an impact on the local unemployment rate

3.8 Table 4 below, summarises both the quarterly targets that have ‘not been met’ and where the projected annual target maybe ‘at risk’ of failure. Brief comments and remedial action taken is also provided.

Table 4: Performance Measures - targets ‘at risk’ of failure (as at 30 September 2013)

Description	Qtr 2 Target	Qtr 2 Actual	Comments and Planned Remedial Action
GM 05 -Residual waste per household (Kgs)	125.00	131.6	Indicator above target at end of the quarter although the figure should be lower in the remaining two quarters with the introduction of the new recycling service.
GM 06 - Proportion of household waste recycled and composted	52.60%	50.7%	Indicator below target at end of the quarter although the figure should higher in the remaining two quarters with the introduction of the new recycling service.

Managing Risks

3.9 The Council has a comprehensive risk register, which details all known service risks, control mechanisms and review dates. Table 5 below outlines the main risks across the Sustainable Growth & Opportunity theme of the Corporate Plan.

Table 5: Managing Risks

Risk Description	Likeli-hood	Impact	Mitigating Action
Judicial review & appeals against Planning decisions - criticism, time and cost of having to defend our position, possible costs awarded against the Council.	Treat the Risk	Medium	Quarterly review of procedures to provide early identification of high-risk cases, counsel opinion sought when necessary. Ongoing review of new statutory procedures, continued advice from counsel when required.

Risk Description	Likeli-hood	Impact	Mitigating Action
Failure of Sharpe's Pottery Museum - closure of facility (including the T.I.C.).	Tolerate the Risk	Low	Councillor representation on Board. Attendance at Board meetings by Officers.
Failure of tourism partnership - loss of service to potential visitors to the area. Adverse impact on businesses in local visitor economy. Adverse publicity and loss of standing with partners. Grants may need to be repaid.	Treat the Risk	Low	Regular review of activities and agreements. Ongoing monitoring of agreements.
Suitability of house waste for composting	Treat the risk	Low	Keep abreast of ongoing national discussions and maintain relations with partner contractors.
Increase in fuel costs resulting in budget overspend	Tolerate the risk	Low	Ensure routes are fully optimised Monthly monitoring and reporting of actual spend against budget.

Service Area Commentary

3.10 To assist Members in their assessment of progress made, the Lead Officer for each of the performance measures has provided some supplementary information on how the performance measures are supporting the delivery of the outcomes.

3.11 Within Community and Planning Services, work continues to be focussed on delivering the Local Plan and processing the increased levels of planning applications being received. Whilst the timetable for the Local Plan has slipped this is unavoidable if the process is to be successful. The Council has adopted a new process for supporting neighbourhoods in their spatial planning as an identified action in the Corporate Plan.

3.12 The second quarter targets for both household waste recycled and residual waste per household were not hit. It is though anticipated that the new kerbside recycling scheme will mean that both targets have a good probability of being achieved by year end. In answer to a query raised at the Committee considering the quarter 1 figures, these two indicators are in effect expressing the same information in two different ways.

3.13 The new kerbside recycling scheme was introduced on the 7th October. As a result of rescheduling rounds to make them more efficient and changing collection days for many to enable green and brown bins to be collected on the same day, nearly all 41,000 households experienced some change in their collection arrangements albeit for some it was just the time of day. It is pleasing therefore to report that the number of complaints and missed bins in the transition period was very low. This is attributable to both the quality of the pre change information we issued as well as the patience and understanding of residents.

3.14 Within Economic Development, the summer period saw a major programme of markets and other town centre activities, together with visitor promotion of South Derbyshire and The National Forest.

4.0 Financial Implications

4.1 There are no specific financial implications relating to this report. The need to continually improve whilst delivering the ambitions of the *Corporate Plan* will require a sustained efficiency programme, including the shifting of resources to the priority areas.

5.0 Corporate Implications

5.1 The Council aspires to be an “excellent” Council in order to deliver the service expectations of our communities.

5.2 This performance report evidences an improvement in how we are meeting those demands and expectations.

5.3 This report has no implications in respect of meeting the Public Sector Equality Duty of the Equalities Act 2010.

6.0 Conclusions

6.1 A high level of performance and improvements has delivered a range of outcomes for local communities.

6.2 This performance report evidences significant improvement in how the Council is meeting demands and expectations.

GP 01 - Enhance the vitality of the district's town centres			
Quarter	Task	Progress	Status
1	GP 01.1 – 3 x Events supported	3 x Famers' Markets staged, plus Farmers' Market marquee at Festival of Leisure. 'Love Your Market' initiative supported to encourage new traders. Swadlincote Festival of Transport held in the town centre attracting thousands of people.	Achieved
2	GP 01.2 - 3 x Events supported	3 x Farmers' Markets staged. In addition 3 x Plant Markets staged on The Delph during the Summer. Making Markets Matter road show event staged throughout the town centre attracting a large number of visitors and publicity.	Achieved
3	GP 01.3 - 3 x Events supported		
4	GP 01.4 - 3 x Events supported		

GP 02 - Deliver The National Forest Tourism Partnership Action Plan			
Quarter	Task	Progress	Status
1	GP 02.1- 1 x Event supported, 1 x Edition 'What's On'	National Forest Walking Festival 2013 staged with a record number of participants. Promotion of the area at events, including the Derbyshire Food & Drink Fair at Elvaston and South Derbyshire Day at Pride Park. What's On Summer & Autumn 2013 published. 20,154 enquiries handled by Tourist Information Centre.	Achieved
2	GP 02.2- 1x Event supported	Swadlincote Scarecrow Trail supported. Promotion of the area at events, including the National Forest Wood Fair, Aston on Trent Well Dressing, Betty's Farm Open Day and Elvaston Castle Woodland Festival. 18,671 enquiries handled by Tourist Information Centre.	Achieved
3	GP 02.3 – 1x Edition 'What's On', 1 x Visitor Guide Published		
4	GP 02.4 - 1 x Edition 'What's On'		

GP 03 - Promote inward investment and business development			
Quarter	Task	Progress	Status
1	GP 03.1 - 1 x Event supported, 1 x Publication prepared	Youth Training Fair staged at Town Hall/on The Delph attracted around 100 young people seeking employment or training. Preparation of Vacant Commercial Property Bulletin underway.	Achieved
2	GP 03.2 - 1 Publication prepared	Mail shot of businesses to promote new grant opportunities and South Derbyshire Business Advice Service. Preparation of Investment Gazette underway.	Achieved
3	GP 03.3 – 1 x Event supported, 1 x Publication prepared		
4	GP 03.4 - 1 x Publication prepared		

GP 04 - Develop the opportunities for increasing the range of materials recycled through the re-tendering exercise			
Quarter	Task	Progress	Status
1	GP 04.1 - Prepare new process	Tendering process complete. Contract to include increased range of materials for recycling has been awarded.	Achieved
2	GP 04.2 -Prepare new arrangements	Publicity campaign mounted including written and broadcast media. All households received two explanatory leaflets and a quarter of black bins were stickered to remind residents of next collection day	Achieved
3	GP 04.3 -Introduce new arrangements		
4	GP 04.4 -Monitor arrangement		

GP 05 - Revise and progress the delivery of the Contaminated Land Inspection Strategy			
Quarter	Task	Progress	Status
1	GP 05.1 - Open revised Strategy for consultation, prior to seeking Committee endorsement	Draft Strategy produced accounting for the revised statutory guidance. Consultations have commenced with other local authorities about a comprehensive change in the format of the strategy.	Fail
2	GP 05.2 - Progress GIS development work. Prioritization data update and verification	GIS development work progressing to plan, Mapinfo tables (datasets) created. Working procedures amended to reflect statutory guidance revisions. Ongoing work to automate the classification / determination of district land and ensure process for updating external prioritisation data exists.	Achieved
3	GP 05.3- Progress GIS development work. Build / Develop Part 2A GIS layer via capital investment in FME software to enable effective delivery of determination process		
4	GP 05.4 - Establish performance reporting framework based on remediation process via Part 2A layer		

GP 06 - Progress the Planning Core Strategy as part of the District's Local Development Framework (LDF)			
Quarter	Task	Progress	Status
1	GP 06.1 - Review the comments from the Preferred Growth Strategy and update Housing requirement	Consultation feedback completed. Initial housing numbers confirmed. Further Census figure release updating housing numbers is to be confirmed.	Achieved
2	GP 06.2 - Publish Draft Local Plan	Updated housing numbers confirmed and approved by Committee. Further consultation on Sustainability Appraisal is required.	Failed
3	GP 06.3 - Local Plan Examination in public by Planning Inspectorate		
4	GP 06.4 - Adoption of Local Plan		

GP 07 - Support communities in neighbourhood planning,			
Quarter	Task	Progress	Status
1	GP 07.1 - Establish funding and capacity support for Neighbourhood areas.	Government funding identified as being available for the support of Plans.	Achieved
2	GP 07.2 - Approve process for providing support for Neighbourhood Plans.	Proposed process submitted to Members Local Plan Working Group and E&DS Committee for approval. Parish Council seminar organised in partnership with Rural Action Derbyshire.	Achieved
3	GP 07.3 - Promote process to Parishes and Neighbourhoods.		
4	GP 07.4 - Support interested Communities.		

Outcome	Measure	Actual / Out turn 2012/13	Target Quarter 2 2013/14	Actual Quarter 2 2013/14	Quarter Status	Annual Target 2013/14	Predicted Out turn 2013/14	Predicted Status	Comments/ Remedial Action
GO 1 - Developing economic and employment opportunities	GM 01- Total Visitor Spend (£ million) (Proxy measure)	£163	n/a	n/a	Proxy	£163	n/a	Proxy	
	GM 02 -Total Number of Visitors (million) (Proxy measure)	4.0	n/a	n/a	Proxy	4.0	n/a	Proxy	
	GM 03 -Total Rateable Value of business premises (£ million) (Proxy measure)	£56	n/a	n/a	Proxy	n/a	n/a	Proxy	
	GM 04 -Unemployment Rate (Proxy measure)	2.3%	n/a	1.7%	Proxy	n/a	n/a	Proxy	
GO 2 - Increasing recycling resulting in less waste being land filled	GM 05 -Residual waste per household (Kgs)	527.00	125.00	131.6	Red	510.00	510.00	Green	Indicator above target at end of the quarter although the figure should be lower in the remaining two quarters with the introduction of the new recycling service.
	GM 06 - Proportion of household waste recycled and composted	45.00%	52.60%	50.7%	Red	50.00%	50.00%	Green	Indicator below target at end of the quarter although the figure should higher in the remaining two quarters with the introduction of the new recycling service.

Outcome	Measure	Actual / Out turn 2012/13	Target Quarter 2 2013/14	Actual Quarter 2 2013/14	Quarter Status	Annual Target 2013/14	Predicted Out turn 2013/14	Predicted Status	Comments/ Remedial Action
GO 3 - Sustainable Planning	GM 07 - Net additional commercial / employment floor space created (Proxy measure)	4,555.00	n/a	n/a	Proxy	n/a	n/a	Proxy	
	GM 08 - Net additional homes provided (Proxy measure)	281	n/a	n/a	Proxy	n/a	n/a	Proxy	
	GM 09 - Speed of Planning applications	86.80%	85.00%	92.00%	Green	85.00%	85.00%	Green	
	GM 10 - Proportion of 'Quality' development schemes delivered	100.00%	n/a	n/a	Grey	90.00%	90.0%	Green	
	GM 11 - Satisfaction with the planning application process	96.00%	n/a	n/a	Grey	80.00%	n/a	Grey	Survey undertaken every 2 years

REPORT TO:	**Environmental and Development Services Committee**	**AGENDA ITEM: 8**
DATE OF MEETING:	**21 November 2013**	**CATEGORY: DELEGATED**
REPORT FROM:	**Director of Operations**	**OPEN**
MEMBERS' CONTACT POINT:	**Richard Groves (01283) 595738** richard.groves@south-derbys.gov.uk	**DOC:** u:/Richard/Committees/EDS27
SUBJECT:	**HS2 Phase 2 Route Consultation**	**REF:**
WARD(S) AFFECTED:	**All Wards**	**TERMS OF REFERENCE: EDS**

1.0 Recommendations

1.1 That the proposed responses to the questions posed by HS2 Ltd, as set out in section 7 of this report, be accepted as the Council's response to the consultation exercise.

2.0 Purpose of Report

2.1 To obtain a Council response to the HS2 Ltd "HS2 Phase 2 Route Consultation" exercise. The consultation document may be viewed at http://www.hs2.org.uk/phase-two/route-consultation/document-library .

3.0 Executive Summary

3.1 The report describes the preferred route for the eastern leg of the HS2 phase scheme, connecting the West Midlands to Leeds via the East Midlands, including proposals for a station at Toton. It also describes the main alternative route that has been considered, which would pass through South Derbyshire, Derby and Amber Valley. It briefly refers to other aspects of the scheme, including the funding of the project and opportunities arising from the release of capacity in the established rail network. Finally, it proposes Council responses to specific questions posed by HS2 Ltd. as part of the consultation exercise.

4.0 Detail

4.1 The consultation document:

- explains the Government's proposals for Phase 2 of HS2, including the the routes from the West Midlands to Manchester and Leeds with stations at Manchester City Centre, Manchester Airport, Toton (to serve Derby and Nottingham), Sheffield and Leeds, connections to the existing railway at Crewe, south of Wigan and south of York, and supporting infrastructure such as depots;
- seeks views as to whether any additional stations are needed;
- explains the sustainability impacts of the proposed routes;
- asks for ideas on how the freed up capacity on existing rail routes could be used to spread the benefits of HS2 to other towns and cities; and
- asks how HS2 can be integrated with other utilities, such as water and electricity, alongside the line to maximise the benefits of investment.

4.2 HS2 Ltd, the company set up by the Department for Transport to oversee the planning and delivery of the project, delivered its advice for Phase 2 options to Government in

March 2012. The publication of the consultation document follows a period of informal engagement with MPs whose constituencies are affected, local authorities, Network Rail, the Highways Agency, potential station city stakeholders and key environment and heritage organisations. As a consequence of feedback from this exercise, changes have been made to the proposed route close to Castle Donington to reduce the impacts on the proposed Strategic Rail Freight Interchange to the north east of East Midlands Airport.

Proposed Eastern Leg Route and Stations

4.3 The eastern leg of the Phase 2 route would serve stations at Toton, South Yorkshire and Leeds. It would connect to the London – West Midlands leg to the east of Birmingham, near junction 4 of the M6, and then follow the M42 corridor north-east towards Derby and Nottingham. After the Toton station, the line would follow the M1 corridor towards South Yorkshire, which would be served by a station at Meadowhall. Further north, the line would connect with the East Coast Main Line, nine miles south west of York. Leeds would be served by a spur off the main line. A plan showing proposed national high speed network is included in the consultation document (page 35) as are plans showing the eastern leg of the phase 2 section (pages 64 and 65).

4.4 At its closest point to South Derbyshire, the alignment would pass some 2.3 km to the east of the District boundary, near Acresford. It would cross the River Mease Special Area of Conservation and continue along the east side of the A42 past Ashby de la Zouch. The route would leave the A42 corridor at Breedon on the Hill to pass under East Midlands Airport in a tunnel, 3 km in length, which would continue to the northern boundary of the proposed strategic rail freight interchange site. The route would pass over the M1 north of Junction 24 near Lockington, to cross the floodplain of the River Soar on a 3.4 km long viaduct. It then would then pass to the north of Ratcliffe on Soar power station and cross the River Trent on a 1.7 km long viaduct. From there it would pass through Long Eaton along the existing rail corridor towards the East Midlands Hub Station at Toton. The choice of this location for the station site dictated the route selection through the area. Details of the preferred route may be found at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/68981/options-for-phase-two-of-the-high-speed-rail-network-appraisal-of-sustainability.pdf , pages 245-284.

4.5 The Toton site would make use of existing disused railway land. It has good access to the M1and could be served by a dedicated rail service to Derby, Nottingham, Leicester and other principal rail services as well as bus services and the Nottingham tram, which could be extended to connect to the station. The strong public transport connectivity would make it the best of the options for serving the East Midlands, generating an estimated £500 million over the next best performing option and, by attracting more passengers, could generate additional fare revenues of £190 million. HS2 Ltd.'s analysis suggests that the station would attract over three quarters of journeys from Derby and four fifths of journeys from Nottingham for journeys to London. In contrast, the main alternative put forward by HS2 Ltd, for a station at Derby Midland, would see a drop in passengers wishing to travel from Nottingham and the wider area.

4.6 The A52 and M1would provide good car access to the site allowing access from areas not served by public transport. There would be on-site parking and a direct connection to the A52. The station would consist of four high speed platforms and four platforms for conventional services. There would also be two fast lines through the middle of the station for non-stopping services. The station could support an estimated 1500 -1600 jobs.

Alternative Route Options

4.7 An "Appraisal of Sustainability" of the various alternative options looks at the anticipated impact of the proposals on job generation; housing delivery; noise and visual impacts; landscape and cultural heritage; wildlife and ecology; water resources; brownfield and agricultural land take; potential contamination issues and climate change. The appraisal has been instrumental in the development of route and station proposals. It includes a number of variations on the preferred route, broadly following the A42 corridor and including a station at Toton. The only major alternative to this that was considered is a route to the west, passing through South Derbyshire, Derby and Amber Valley, with a station adjacent to the existing Derby Midland station. A full description, including plans showing the detailed alignment of the section that would pass through South Derbyshire, may be viewed at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/68981/options-for-phase-two-of-the-high-speed-rail-network-appraisal-of-sustainability.pdf , (pages 226 – 244).

4.8 The alternative route would leave the M42 corridor at Birchmoor and head toward South Derbyshire, crossing the River Mease on a viaduct. It would then continue along various cuttings and embankments, passing to the west of Netherseal and Linton, before crossing the South Derbyshire Green Belt to the west of Newhall and continuing through a short tunnel close to Bretby. From here it would head northwards, passing to the west of Repton before crossing the Trent Valley on a viaduct. The viaduct would pass to the east of Willington across part of the former power station site and crossing the Trent and Mersey Canal to the west of Stenson Bubble. At this point the viaduct would end and the route would follow the established Birmingham – Derby railway alignment toward the Derby Midland Station, where a new HS2 station would be located. From here, the route would continue northwards through Derbyshire before meeting the current preferred alignment at Killamarsh.

4.9 The appraisal of sustainability indicates that preferred route has advantages over the main alternative route, passing through South Derbyshire, in the following areas:

- fewer community properties would be demolished (1, rather than 3)
- fewer properties would be isolated (25, rather than 36)
- fewer properties would be affected by severence (0, rather than 21)
- fewer people would be annoyed by noise (2207, rather than 2923)
- fewer dwellings would qualify for noise insulation (539, rather than 1056)
- fewer jobs would be displaced (600, rather than 1500)
- no impact on World Heritage Sites (Derwent Valley Mills WHS affected by main alternative)
- fewer minor rivers diverted (6, rather than 11)
- fewer landfill sites directly impacted (3, rather than 7)
- crosses less Grade 2 (good quality) agricultural land

4.10 Conversely, the alternative route, passing through South Derbyshire, has the following advantages over the preferred route:

- shorter overall length (81.3 km, rather than 94.7 km)
- fewer dwellings demolished (98, rather than 109)
- lower impact on aquifers of good quality and good yield (crosses 3.4 km of such sites, rather than 15.2 km)
- involves less development in Flood Zone 3 (crosses 8.6 km, rather than 9.89 km plus development of land measuring 5 – 7 ha)

- involves less development within the Green Belt (crosses 20.8 km, rather than 25.5km, plus redevelopment of Green Belt land measuring 33 ha)
- supports more jobs (3600, rather than 1500)
- supports the development of more new homes (500, rather than 150)
- fewer scheduled ancient monuments affected (1, rather than 6)
- fewer major rivers diverted (0, rather than 2)
- fewer Biological Action Plan habitats affected (0, rather than 6)
- less impact on Sites of Special Scientific Interest (0, rather than 2 high impact and 12 low impact)
- would use less steel (26700, rather than 42600 tonnes)

4.11 Aside from the impact of the World Heritage Site, referred to in para. 4.9, each alternative route impacts a number of conservation areas and heritage features, the overall effects of which are difficult to quantify for comparison purposes. However, from this Council's point of view, it should be noted that a viaduct crossing the Trent floodplain to the south of Willington would have a severe detrimental impact on the setting of Repton Conservation Area.

River Mease SAC

4.12 The River Mease Special Area of Conservation (SAC) is a protected European site of importance because of its valued species. HS2 Ltd undertook a Screening Opinion and Draft Appropriate Assessment, the provisional conclusion of the latter being that the River Mease crossing would not have an adverse impact on the SAC. However, the potential for significant effects cannot be discounted at this stage and there is a need for more detailed analysis.

Released Capacity

4.13 A "Released Capacity Study" looks at existing sections of the rail network to see how rail capacity released by HS2 could be beneficially used to increase commuter capacity, develop new local and regional passenger rail services and increase rail freight. Among the potential benefits identified are conventional rail connections to HS2 stations with integrated timetables to maximise the benefits of high speed rail, capacity to absorb forecast growth in passengers and freight on the Midland Main Line, West Coast Main Line and East Coast Main Line.

Combined Infrastructure Enhancements

4.14 Consideration has been given to the savings that could be made in combining other necessary infrastructure enhancements with the HS2 proposals by sharing engineering costs. Potential examples include water supply, electricity and integrated flood management schemes.

Funding

4.15 The funding and financing of the scheme will be provided, in large part, by central Government. However, contributions will also be sought from businesses, local authorities, Local Enterprise Partnerships and others who stand to benefit from HS2. The Government has set a funding envelope of £21.2 million for the Phase Two scheme (at 2011 prices, excluding VAT) in the 2013 Spending Round. The cost is higher than earlier anticipated due, in part, to changes in the unit cost of particular items, the proposal to include a station at Manchester Airport and amendments to the scheme introduced since January this year. The cost estimate is expected to continue to change as design work develops.

Next stages

4.16 Following consideration of responses to the consultation exercise, the Government will announce a final decision on the proposed route, station and depot options by the end

of 2014. A hybrid Bill, seeking powers to construct Phase 2, would be brought forward in the next Parliament, following the May 2015 General Election. The route would be expected to open in 2032/33.

5.0 Financial Implications

5.1 There are no financial implications for the District Council.

6.0 Corporate Implications

6.1 The proposals have implications for the "Sustainable growth and opportunity" theme of the South Derbyshire Corporate Plan 2009-2014, in that the proposals could affect economic growth and employment generation in this part of the region, with potential benefits to South Derbyshire. However any visual and noise intrusion from the alternative alignment passing through South Derbyshire would detract from the environmental quality of the district, to the likely detriment of the local tourism sector, although potential growth in visitors to the area as a consequence of increased accessibility could counterbalance this to some degree.

7.0 Community Implications

7.1 The proposals have implications for the following themes of the South Derbyshire Sustainable Community Strategy 2009-2014:

- "Vibrant Communities" in that the alternative alignment passing through South Derbyshire would detract from the environmental quality of the district, particularly in terms of noise, visual intrusion and impact on landscape and heritage assets.
- "Sustainable Development" in that the presence of a HS2 station in the region is likely to influence long distance travel patterns to and from South Derbyshire and could potentially increase housing demand in the district, particularly if a station were to be located at the established Derby Midland station site. The presence of a station would also be likely support overall economic growth and job creation in the surrounding area, potentially including South Derbyshire. However, the alternative alignment passing through South Derbyshire would detract from the environmental quality of the district, to the likely detriment of the local tourism sector, although potential growth in visitors to the area as a consequence of increased accessibility could counterbalance this to some degree.

8.0 Conclusions

8.1 Whilst the main alternative to the preferred route would be slightly shorter, being 81.3 km rather than 94.7 km long, it represents a less attractive option for a range of different reasons. These are identified in proposed responses to the following questions posed by HS2 Ltd. which are of particular relevance to South Derbyshire:

- Do you agree or disagree with the Government's proposed route between West Midlands and Leeds?

  Agree.

- Do you agree with the Government's proposals for an East Midlands Station to be located at Toton?

  Yes. Locating the station at Toton will maximise economic benefits to the Derby and Nottingham area and attract a greater level of patronage than would a station at Derby Midland. It would also put a substantial area of previously developed land to beneficial use.

- Do you think there should be any additional stations in the eastern leg between the West Midlands and Leeds?

  No. Additional stations would detract from the objective of providing a means of high speed travel.

- Let us know your comments on the "Appraisal of Sustainability", including alternatives to the proposed route.

  The alternative route through South Derbyshire and Derby would generate substantially fewer economic benefits and less patronage and therefore lower revenues for HS2; it would involve the demolition of more community properties; noise annoyance to a greater number of people; more dwellings qualifying for noise insulation compensation; the displacement of more jobs; cross more Grade 2 agricultural land; cause significant harm to the setting of conservation areas and heritage features at Repton and Derby; involve the diversion of more minor rivers; infringe the Derwent Valley Mills World Heritage Site and cause severe detrimental landscape impacts, particularly in the Trent Valley. It would also create pressure for further housing growth in an area where meeting currently projected needs in a sustainable manner is already an enormous challenge.

- Let us know your comments on how capacity that could be freed up on the existing rail network by the introduction of the proposed Phase 2 route could be used

  Freed up capacity should be used to provide integrated conventional rail services to HS2 stations to maximise the benefits of high speed rail travel. It should also be used and to help meet forecast growth in demand for passenger and rail freight services.

9.0 Background Papers

"High Speed Rail – Investing in Britain's Future" , July 2013

"Options for Phase 2 of the High Speed Rail Network Appraisal of Sustainability", March 2012

"Better Connections: Options for Integration of High Speed 2", July 2013

REPORT TO:	**Environmental and Development Service Committee**	**AGENDA ITEM: 9**
DATE OF MEETING:	**21st November 2013**	**CATEGORY: DELEGATED**
REPORT FROM:	**Bob Ledger – Director of Housing and Environmental Services**	**OPEN**
MEMBERS' CONTACT POINT:	**Matt Holford – Environmental Health Manager**	**DOC:**
SUBJECT:	**Repton Detailed Air Quality Assessment**	**REF:**
WARD(S) AFFECTED:	**Repton**	**TERMS OF REFERENCE: EDS14**

1. Recommendations

1.1 That Members approve the contents and conclusions of the Detailed Air Quality Assessment in Repton (attached as Appendix 1).

1.2 That Members instruct the Environmental Health Manager to issue the assessment report to DEFRA in order to meet the Council's statutory duties under the Environment Act 1995.

2. Purpose of Report

2.1 To provide Members with a report in accordance with Resolution 11 of E&DS dated 4th October 2012 and Council resolution CL/6511.

2.2 To advise Members of the outcomes of a Detailed Air Quality Assessment in Repton.

3. Background to the Review and Assessment Report

3.1 Under Section 82 of the Environment Act 1995 all local authorities have a duty to undertake a periodic review and assessment of air quality within their administrative boundaries.

3.2 These review and assessments are intended to establish whether levels of the eight most common environmental air pollutants meet European standards to ensure the protection of human health. Where these standards (known in the UK as Air Quality Objectives) are not being met, the local authority has a duty to declare an Air Quality Management Order and then to develop an Air Quality Action Plan which must show how the authority is 'in pursuit of the achievement' of the Air Quality Objectives.

3.3 The most recent Assessment was undertaken in 2012 and was the subject of a Committee report on 4th October 2012. The report concluded that air quality across all of South Derbyshire met statutory standards. However the report highlighted the possibility that air quality on High Street in Repton may be at risk of not meeting one of the Air Quality Objectives.

3.4 The report was submitted to DEFRA who accepted all the conclusions and recommendations.

3.5 Air quality monitoring has been undertaken along High Street Repton since October 2012 and now that a full year of results is available it is possible to review the data and use it to model (predict) air quality at various locations within the village. The technical report is attached as Appendix A.

4. Summary of the Review and Assessment Findings

4.1 The main pollutant of concern in Repton is nitrogen dioxide (NO_2). This is a gas which can cause respiratory illness and cardiovascular disease. It is emitted from all forms of combustion process. The biggest source of NO_2 is from road traffic emissions.

4.2 In order to comply with the relevant EU Directive on air quality, NO_2 levels should not be above 40 milligrammes in every cubic metre of air (40 µg/m^3) averaged over a year. This level must be met at all 'relevant locations'. A 'relevant location' is generally deemed to be at the front façade of a residential property. Nitrogen dioxide levels are very often above 40 µg/m^3 at kerbside locations of busy roads, but these are not deemed to be 'relevant locations' because nobody spends the majority of their time at kerbside.

4.3 The monitoring results from October 2012 to September 2013 have shown that nitrogen dioxide at kerbside in Repton is above 40 µg/m^3 and that at the window of residential properties on High Street it is marginally below 40 µg/m^3.

4.4 The monitoring results showed an unusual trend which has led us to question whether the period October 2012 to September 2013 was representative of typical conditions in Repton. In particular the results in spring 2013 were well above those which we expect to see in a location of this type. We are of the opinion that the results in spring 2013 were likely to be as a result of traffic congestion caused by local developments and that they therefore may not be representative of typical air quality conditions in Repton.

4.5 The monitoring results have been used to provide computational predictions of air quality at various locations in Repton. Nine 'relevant locations' were chosen that were likely to be the nine properties in the village most affected by traffic emissions. The calculations suggest that four of these nine locations have nitrogen dioxide levels slightly above 40 µg/m^3.

4.6 The report has concluded that before any further action is taken we must be certain that the 40 µg/m^3 Air Quality Objective is being breached. The question mark over the monitoring results (particularly in spring 2013) mean that we are not sufficiently certain and therefore it is officers opinion that we should not act until these questions have been further investigated and resolved. This will require a period of further monitoring.

5. Financial Implications

5.1 Minor. The continuation of air quality monitoring in Repton will be met from existing budgets.

6. Corporate Implications

6.1 The proposals align with the “sustainable growth and opportunity” Corporate Plan Objective as well as ensuring the “health and wellbeing” of our residents.

7. Community Implications

7.1 Any decisions that need to be made arising from the further monitoring results will be brought to E&DS Committee.

8. Conclusion

8.1 Air quality right across South Derbyshire has consistently met health standards for the past decade and therefore has been shown to be better than that across the majority of local authorities in the UK. The Detailed Assessment report has to be submitted to DEFRA in December this calendar year to comply with the Council’s duty under the Environment Act. We propose to submit the current report in order to comply with this duty and then to submit a further supplementary report to DEFRA on the completion of a further calendar year of air quality monitoring through 2014.

South Derbyshire District Council

Detailed Air Quality Assessment Report - Repton NO_2 Assessment

Environmental Health Department,
South Derbyshire District Council,
Civic Offices,
Civic Way,
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Derbyshire
DE11 0AH

Document Control;

Drafted by	Date	Ref	Changes
Matthew Holford	30/10/2013	SDDC2	Revision following review by BL
Checked by			
Bob Ledger			

Executive Summary

South Derbyshire District Council's (SDDC) Updating and Screening Assessment (USA) submitted to DEFRA in August 2012 identified the risk of potentially elevated levels of nitrogen dioxide (NO_2) on High Street, Repton, Derbyshire.

Since the submission of the USA, air quality monitoring has been carried out along High Street Repton at three locations using diffusion tube sampling. The monitoring locations were selected to represent both the likely worst case scenario points of exposure to traffic emissions and to represent the exposure of the facades of residential properties to road emissions. The data from these monitoring locations is presented in this report

This monitoring data is then used to undertake an air quality modelling assessment using the DMRB (Design Manual for Roads and Buildings) screening model assessment tool. The assessment determines the likelihood of the air quality objectives being exceeded at 'relevant' locations in the study area. The report has been prepared in accordance with the Local Air Quality Management Technical Guidance Note LAQM. TG(09).

The results from the assessment indicate that concentrations of NO_2 may be above air quality objective values at a small number of relevant receptor locations on High Street. However, the air quality monitoring data which underlies the assessment methodology used to derive these results are the subject of some uncertainty.

The report therefore proposes a continuation of air quality monitoring in the study area to investigate this uncertainty further before the Council reaches a decision on the need to declare an Air Quality Management Area (AQMA).

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1. Introduction

South Derbyshire is one of eight district authorities within Derbyshire. As the name infers, it is located in the south of the County and abuts the conurbations of Derby to the north and Burton on Trent to the west.

The district covers an area of more than 130 sq. miles, and has a population of around 94,000. Large areas of the river valleys of the Dove and the Trent are dedicated to dairy farming, whilst some arable farming is found on higher ground around Melbourne, and to the south of Swadlincote. In the Trent Valley continuing gravel extraction and historical power generation at Drakelow and Willington power stations provide important landmarks.

The main thoroughfares in South Derbyshire are the A50 and the A38 (both dual carriageway trunk roads). Smaller A roads include the A444, A511 and A514.

South Derbyshire has a number of sources of industrial emissions regulated by both the Environment Agency and the District Council; however previous Review and Assessments of air quality have demonstrated that none of these sources are causing any exceedences of the Air Quality Objectives.

Emissions from traffic sources are considered to be the most significant contributors to the air quality burden in the District.

1.1. Overview of Air Quality Legislation

European air quality legislation is consolidated under Directive 2008/50/EC (commonly known as the Air Quality Framework Directive), which came into force on 11th June 2008. The Directives consolidated into the Framework Directive include:

- Directive 99/30/EC – the First Air Quality "Daughter" Directive – sets ambient air limit values for nitrogen dioxide and oxides of nitrogen, sulphur dioxide, lead and particulate matter;
- Directive 2000/69/EC – the Second Air Quality "Daughter" Directive – sets ambient air limit values for benzene and carbon monoxide; and,
- Directive 2002/3/EC – the Third Air Quality "Daughter" Directive – seeks to establish long term objectives, target values, an alert threshold and an information threshold for concentrations of ozone in ambient air.
- The fourth “Daughter” Directive was not included within the consolidation and is described as Directive 2004/107/EC which sets health-based limits on polycyclic aromatic hydrocarbons, cadmium, arsenic, nickel and mercury, for which there is a requirement to reduce exposure to as low as reasonably achievable.

The Air Quality Standards Regulations (2010) provide the most recent transposition into UK law of the Air Quality Framework Directive and also transposes the Fourth Daughter Directive within the UK. The air limit values in the Directives are transposed into the Regulations as Air Quality Standards, with attainment dates in line with the European Directives.

The Air Quality Strategy for England, Scotland, Northern Ireland and Wales (2007) is the main policy tool for implementation of the air quality limit values in England, Scotland, Wales and Northern Ireland and provides a framework for improving air quality and protecting human health from the effects of pollution.

For each nominated pollutant, the Air Quality Strategy sets clear, measurable, outdoor air quality standards and target dates by which these must be achieved; the combined standard and target date is referred to as the Air Quality Objective (AQO) for that pollutant.

Part IV of The Environment Act 1995 (the Act) details the local authority’s role in delivering Directive 2008/50/EC. The Act requires that authorities periodically review air quality to determine compliance with AQOs and that where these Objectives are deemed to be likely to be exceeded they must, by Order, designate an Air Quality Management Area (AQMA). Having declared an Order the relevant authority must publish an Air Quality Action Plan (AQAP) which should demonstrate what the authority is intending to do to work towards achieving the AQO. The Secretary of State has powers within the Act to give directions to Local Authorities (LAs) for the implementation of these Directives.

The AQOs for pollutants included within the Air Quality Strategy are presented in Table 1.

The Table shows the AQOs in units of micrograms per cubic metre $\mu g/m^3$ (milligrammes per cubic metre, mg/m^3 for carbon monoxide) with the number of exceedences in each year that are permitted (where applicable).

Table 1: Air Quality Objectives included in Regulations for the purpose of Local Air Quality Management in England.

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 $\mu g/m^3$	Running annual mean	31.12.2003
	5.00 $\mu g/m^3$	Running annual mean	31.12.2010
1,3-Butadiene	2.25 $\mu g/m^3$	Running annual mean	31.12.2003
Carbon monoxide	10.0 mg/m^3	Running 8-hour mean	31.12.2003
Lead	0.5 $\mu g/m^3$	Annual mean	31.12.2004
	0.25 $\mu g/m^3$	Annual mean	31.12.2008
Nitrogen dioxide	200 $\mu g/m^3$ not to be exceeded more than 18 times a year	1-hour mean	31.12.2005
	40 $\mu g/m^3$	Annual mean	31.12.2005
Particles (PM_{10}) (gravimetric)	50 $\mu g/m^3$, not to be exceeded more than 35 times a year	24-hour mean	31.12.2004
	40 $\mu g/m^3$	Annual mean	31.12.2004
Sulphur dioxide	350 $\mu g/m^3$, not to be exceeded more than 24 times a year	1-hour mean	31.12.2004
	125 $\mu g/m^3$, not to be exceeded more than 3 times a year	24-hour mean	31.12.2004
	266 $\mu g/m^3$, not to be exceeded more than 35 times a year	15-minute mean	31.12.2005

1.2. Previous Air Quality Assessments in South Derbyshire

Air quality assessments have been undertaken in South Derbyshire since the requirement was first introduced following the enactment of the Environment Act 1995. The dates and outcomes of all previous assessments are summarised in Table 2 below.

Table 2; Previous Air Quality Assessments in South Derbyshire

Date	Title	Outcome
2003	Updating And Screening Assessment	None required
2004	Progress Report	None required
2005	Progress Report	DRMB Predictions for following year showed compliance with 2005 objective, therefore no action required.
2006	Updating And Screening Assessment	None required
2007	Progress Report	None required
2008	Progress Report	Marginal exceedence in Overseal, site to be monitored closely, if repeated in 2009 USA then detailed assessment to follow.
2009	Updating and Screening Assessment	Marginal exceedence repeated in 2009. Detailed Assessment required.
2010	Detailed Assessment	Detailed Assessment indicated compliance. Commitment to continue with enhanced monitoring in Overseal which demonstrated compliance
2010	Progress Report	None required
2011	Progress Report	None required
2012	Updating and Screening assessment	Screening Assessment identified potential risk of elevated NO_2 concentrations on High Street, Repton

1.3. Requirements for a Detailed Assessment Report

South Derbyshire District Council's Updating and Screening Report of air quality submitted to DEFRA in 2012 concluded that;

"A review of the most recent traffic data has identified a small potential risk that canyon conditions on High Street Repton may restrict the dispersion of traffic emissions to the possible detriment of the air quality in this single street."

Historically, monitoring data obtained by SDDC has always demonstrated that all air quality objectives are being met. However, the screening assessment in 2012 identified that based on guidance in Local Air Quality Management Technical Guidance TG(09) (LAQM TG(09)) there was a possible risk that the annual mean Objective for nitrogen dioxide was being exceeded because;

i. Traffic flows along Main Street Repton are greater than 5,000 as an annual average daily traffic flow (AADT), and;

ii. Main Street is characterised by slow moving traffic which frequently stops and starts, and;

iii. The street has buildings on either side of the road and residential buildings within 2 metres of the kerb.

In response to this evidence, SDDC commenced air quality monitoring along the High Street. This consisted of monitoring air quality at three different locations using diffusion tube samplers. These were fully commissioned in October 2012.

The aim of this Detailed Assessment is to determine, with reasonable certainty, whether or not there is a likelihood of the AQOs not being achieved at 'relevant' receptor locations along Main Street, Repton.

Where a likely exceedence of the objectives is identified, SDDC are required to determine the magnitude and geographical extent of the exceedence in accordance with the relevant provisions of the Environment Act and statutory guidance.

2. Assessment Methodology

The statutory guidance for undertaking air quality assessments is contained in Local Air Quality Management Technical Guidance TG(09). This assessment takes into account the guidance contained in TG(09) in seeking to determine with reasonable certainty whether any AQOs are being exceeded in Repton and the potential extents of any exceedences.

The assessment consists of two stages. Firstly, available air quality monitoring data in the defined study area of the High Street corridor through Repton is analysed. This data is then utilised in a verified air quality screening model (DMRB) in order to predict air quality exposures at locations considered to be representative of key human receptors.

The results of the assessment and any uncertainties inherent in the assessment are then used to make conclusions about air quality in Repton.

3. Study Area Description

Repton is a large village (population circa 2,700) located 4.5 miles north of Swadlincote, 4.5 north-east of Burton upon Trent and 1 mile south of the River Trent. The village is of significant historic interest being the capital of the ancient Kingdom of Mercia. It is the location of Repton School and it is a designated conservation area.

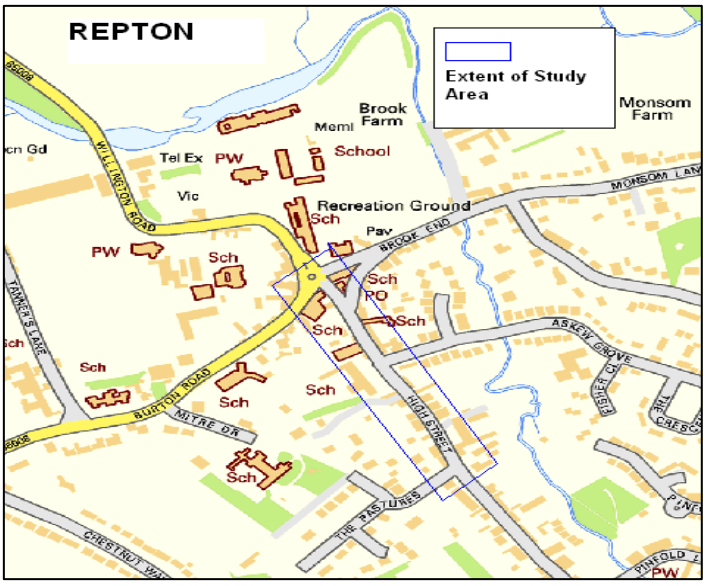
High Street (the C29) is the main arterial route through the village and according to most recent traffic data carries approximately an estimated 6,200 traffic movements a day.

High Street itself is a relatively narrow single carriageway route, with notable historical properties either side of the carriageway and relatively narrow clearance between kerbside and property frontages. There is on street parking along much of the eastern carriageway which results in single direction traffic movement when more than about 50% of the on street parking provision is occupied. At times of high traffic movement this can result in standing traffic particularly in pinch points just south of the roundabout of High Street / Burton Road / Brook End. As a consequence of the road layout, most of the traffic movement is along the western side of the carriageway.

The traffic through the village consists almost entirely of car and small commercial vehicles. The road carries limited numbers of HGVs and most recent traffic data supplied by Derbyshire County Council indicates that the HGV component of the road is only 1.1% - well below the average HGV composition of the national fleet. There are no inclines, traffic lights or traffic calming measures (other than the on road parking) likely to inhibit smooth traffic flow.

The extent of the study area is shown in Figure 1.

Figure 1: Illustration of the Air Quality Assessment Study Area



4. Nature and Sources of Nitrogen Dioxide

Nitrogen dioxide (NO_2) and nitric oxide (NO) are both oxides of nitrogen. Together they are collectively referred to as NO_X. All combustion processes produce NO_X emissions, largely in the form of nitrogen oxide (NO) which then reacts with other atmospheric gases to form NO_2.

The principal source of NO_X emissions is road transport. Motorways which carry large volumes of high speed traffic are a predominant source, as are roads in congested city centres where there are large volumes of slow moving traffic combined with poor natural dispersion.

The contribution of road transport to NO_X emissions has declined significantly in the last 20 or so years due to the introduction of tighter vehicle emission standards. However predicted reductions in ambient NO_2 levels have not been realised in very recent years. Despite a continued reduction in NO_X emissions there has been growing concern in recent years about levels of primary NO_2 emissions from vehicles. Recent research indicates that these are greater than previously recognised and may have increased in some areas as a result of retrofitting particulate emission control equipment to some vehicles.

Other significant sources of NO_X emissions include the electricity supply industry and the commercial sector. Emissions from both these sectors have also been dramatically reduced in recent years due to the introduction of low NO_X burners and the widespread replacement of solid fuel boiler plant with natural gas.

The majority of the nearly 300 AQMAs which have already been declared in the UK are based on exceedences of the annual average nitrogen dioxide objective due to traffic emissions.

Local Air Quality Management Technical Guidance TG(09) paragraph 2.31 states that:

"Previous research carried out on behalf of DEFRA and the devolved administrations identified a relationship between the annual mean and the 1-hour mean objective, such that exceedences of the latter were considered unlikely where the annual mean was below 60 µg/m^3."

Therefore, for the purposes of this assessment, the 1 hour mean objective for nitrogen dioxide is assumed to be met at receptor locations where the annual mean is determined to be less than 60 µg/m^3.

5. Recent Air Quality Monitoring Data

This section contains a summary of the most recently available air quality monitoring data capable of supporting this assessment.

5.1 Continuous Air Quality Monitoring Data in Repton

There has been no continuous air quality monitoring in Repton. Prior to the USA in 2012 there had been no evidence that there was any significant risk of exceedences of the AQO in Repton. Continuous monitoring is very expensive (both in terms of capital and running costs) and there was no case to support such monitoring.

5.2. Diffusion Tube Air Quality Monitoring Data in Repton

Air quality monitoring has been undertaken by SDDC in Repton since October 2012 using palmes type diffusion tubes. These are small (10cm) long tubes which are exposed at one end to allow in the ambient air and which have an absorbent at the other end which absorbs the target pollutant gas. The tubes are exposed for a period of approximately a month after which the quantity of absorbed pollutant is determined from lab testing. This provides an average concentration of the pollutant gas over the exposure period.

Monitoring of NO_2 concentrations using passive diffusion tubes is widely used throughout the UK. LAQM.TG(09) acknowledges that provided care is taken with the storage, handling and analysis of the tubes and an appropriate 'bias-adjustment' factor is applied, the overall uncertainty of the annual mean results from diffusion tubes is expected to be within +/-20%.

The nitrogen dioxide diffusion tubes used in South Derbyshire are supplied and analysed by Lambeth Scientifics. The preparation method used for the diffusion tubes is 50% TEA (Triethanolamine) in Acetone.

The Workplace Analysis Scheme for Proficiency (WASP) laboratory survey tests the proficiency of laboratories undertaking analysis of chemical pollutants in workplace and ambient air. The most recently published proficiency testing results (rounds 113-120) covering the period April 2011 to March 2013 are summarised in Appendix A.

There are three diffusion tube sampling locations in Repton.

Location reference SDDC 12 is located on a lamppost immediately outside 32 High Street (see plate 1 in Appendix B). The monitoring location is on the western side of the carriageway 3.3metres from the kerb.

Location reference SDDC 13 is located on a lamppost between 35 and 37 High Street on the eastern side of the carriageway and 2.5 metres from the kerb.

Location reference SDDC 14 is located on a road traffic sign at kerbside in front of 6 High Street. It is on the western side of the carriageway 0.3m from the kerb.

SDDC12 and SDDC13 are both approximately the same distance from the source of pollution (i.e. traffic) as the nearby residential houses. These monitoring locations are therefore deemed to be giving results that represent the actual exposure of residents on High Street to traffic emissions. SDDC14 is right on the kerb of the road

and does not therefore give results that represent the actual exposure of residents on High Street to traffic emissions.

The three diffusion tube monitoring locations are illustrated in Figure 2.

Figure 2: Diffusion Tube Monitoring Locations in Repton

Diffusion tube results from October 2012 to September 2013 were available for the purposes of this Assessment. The raw results from the three monitoring locations are summarised in Table 3 below.

Table 3: Diffusion Tube Monitoring Results in Repton

Tube Location	Tube Reference	OS Reference	Site Description	Raw Average NO_2 ($\mu g/m^3$) Oct 2012-Sept 2013
32 High Street, Repton	SDDC12	430416 326948	Roadside. Representative of receptor exposure	35.1
35-37 High Street, Repton	SDDC13	430507 326785	Roadside. Representative of receptor exposure	33.3
6 High Street, Repton	SDDC14	430416 326948	Kerbside. NOT representative of receptor exposure	52.8

Where a full calendar year of air quality monitoring data is not available, Box 3.2 of TG(09) presents a means of deriving annual mean data from shorter term air quality studies. The purpose of making an adjustment for monitoring periods of less than a year is because there are recognised seasonal trends in air quality which need to be accounted for in short term studies. In this case, as we have been able to obtain a full 12 months of monitoring data (all be it not a full single calendar year – i.e. January to January), no seasonal adjustment calculation has been applied.

Bias Correction

Bias correction is a process whereby the results from diffusion tube studies are compared against continuous (usually chemilluminescence) analysers located at an identical monitoring position. Paragraphs 3.24 to 3.30 and Box 3.3 of TG(09) explain how bias correction factors should be derived locally or from a national database.

In order to derive a local bias correction factor it is necessary to operate duplicate, or ideally triplicate, diffusion tubes co-located at a continuous monitor. This enables the coefficient of variation to be calculated to determine if the results from the tubes are deemed to be of 'good' or 'poor' precision.

In this instance there has been no collocation of a diffusion tube with a continuous analyser and therefore based on the TG(09) recommendations a nationally derived bias correction factor has been used.

The national factor is based on a national data base of co-location studies co-ordinated on behalf of DEFRA. The national bias correction factors for 2000 - 2012 for Lambeth Scientifics 50% TEA is summarised in Table 4 below.

Table 4: Lambeth Scientifics 50% TEA Bias Correction Factor 2000 – 2012

Year	Number of Co-location Studies	Adjustment Factor
2000	3	0.97
2001	4	1.09
2002	8	1.15
2003	2	1.05
2004	5	1.19
2005	13	1.24
2006	10	1.28
2007	13	1.07
2008	10	0.98
2009	5	1.02
2010	4	1.06
2011	6	1.06
2012	3	0.87
Average		**1.08**

For the diffusion tube data collected in the monitoring period of October 2012 to September 2013, the average of the Lambeth Scientifics national bias correction factors 2000-12 of 1.08 has been applied.

Following the application of the bias correction factors, the Repton diffusion tube data is summarised in Table 5.

Table 5: Repton Diffusion Tube Results following Seasonal Correction and Bias Adjustment

Monitoring Location	Monitored Average (µg/m3)	Seasonal Adjustment	Bias Correction	Corrected Annual Average (µg/m3)
SDDC12	35.1	1.0	1.08	37.9
SDDC13	33.3	1.0	1.08	35.9
SDDC14	52.8	1.0	1.08	57.0

5.3. Commentary on Results

The annual average diffusion tube monitoring results indicate that the AQO is being exceeded at SDDC14, but that at SDDC13 and SDDC12 the exposure is marginally below the annual average AQO.

The monthly results from each of the monitoring locations are illustrated in Figure 3 below. The graph shows relatively low NO_2 levels at all three monitoring locations in the period December 2012 - February 2013, with relatively high exposure in March and April 2013, followed by fairly consistently low levels from May to September 2013.

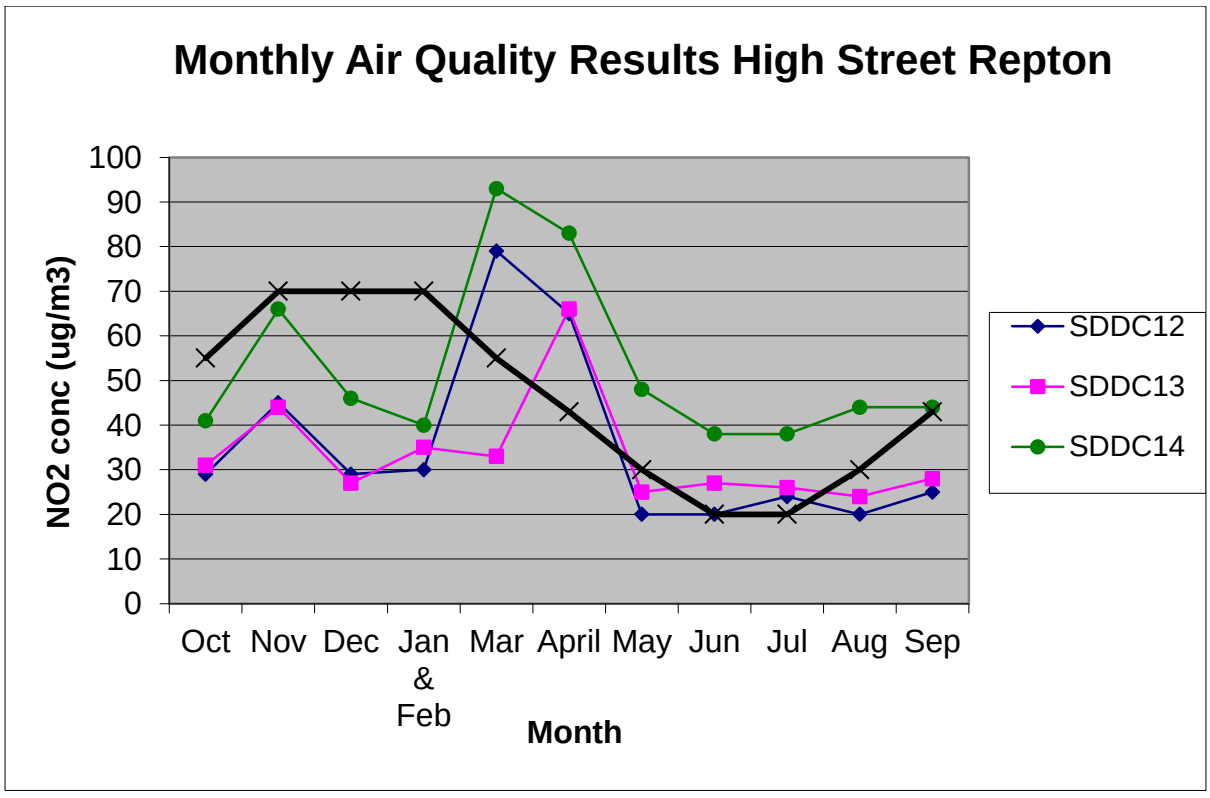
This pattern is not typical of 'normal' trends in air quality over a calendar year. Typically, NO_2 levels are relatively low during the summer months and relatively high during the winter months. A line has been included as the black plot on Figure 3 as an illustration of this typical trend.

Based on local knowledge, the atypical trends in the monitoring results may be accounted for by recent development works in Repton, and in particular at Repton School on Willington Road approximately 250m north of the study area and at Brook End.

Both developments led to traffic restrictions on High Street and abnormal amounts of queuing and static traffic. This may have resulted in abnormally high traffic emissions in the village.

The high NO_2 results in March and April have the effect of significantly increasing the annual average results over the monitoring period. If conditions along High Street in March – April 2013 were not typical, then the dataset used for this assessment may be over estimating air pollution levels in Repton. The implications of this are commented on in the Conclusions and Recommendations sections below.

Figure 3: Comparison of the monthly average results from the three monitoring locations in Repton



6. Assessment of Exposure

An assessment of the predicted exposure of human receptors to nitrogen dioxide has been undertaken using the Design Manual for Roads and Bridges (DMRB) air quality screening model. This model is a Department for Transport approved tool for assessing the environmental impact of new roads. The model has been approved by DEFRA for use as a screening assessment tool for air quality.

The key inputs to the model are summarised in the following sections.

6.1. Receptors

Locations considered as being 'relevant receptors' to exposure to outdoor air quality are defined based on the likely presence of a human at that location for the averaging period of the AQO. For the averaging period see column 3 of Table 1.

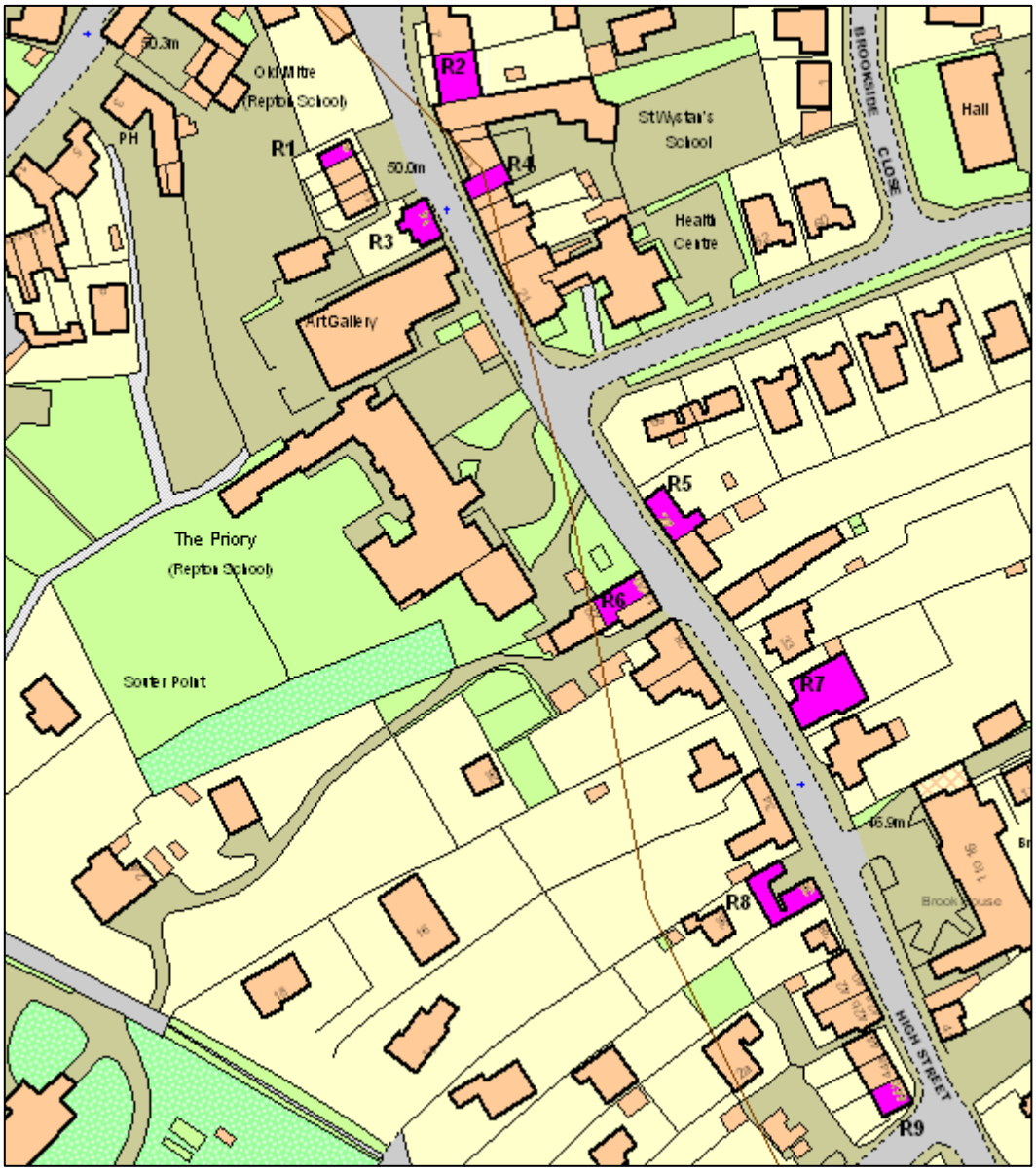
Locations likely to be considered as ‘relevant receptors’ are best defined in Table 1 of the Environmental Protection UK publication ‘Planning for Air Quality' which defines them as “building facades of residential properties, schools, hospitals, care homes”

In the context of Repton, the receptor locations identified in Table 6 have been chosen as representative of receptors in the village. All of these locations are understood to be residential properties other than where stated. The exact OS reference refers to a point on the facade of each property facing the High Street. Figure 4 illustrates the position of each of these receptor locations.

Table 6: Receptor Locations

Ref	Address	OS Reference (easting:northing)	
R1	6 High Street, Repton	430407	326941
R2	9 High Street, Repton	430426	326958
R3	14 High Street, Repton	430425	326920
R4	15 High Street, Repton (School)	430433	326932
R5	27 High Street, Repton	430474	326859
R6	20 High Street, Repton	430472	326846
R7	36 High Street, Repton	430509	326780
R8	35 High Street, Repton	430504	326818
R9	44b High Street, Repton	430529	326734

Figure 4 – Receptor Locations Used for the Purposes of This Air Quality Assessment



6.2. Traffic Data

Traffic data for inclusion in the screening model has been obtained from Derbyshire County Council. Where no count data is available (for example, for small side streets) this has been estimated from observations made of flows within the study area.

Based on site observations, the speed of traffic along High Street is not uniform. Traffic speed is a major determinant of vehicle emissions and therefore differences in average traffic speed will result in different emissions rates from the same volumes of traffic along different sections of the road. As part of the model verification process (see Section 6.4 below) the traffic speeds have been adjusted to achieve the best correlation between the diffusion tube monitoring results and the

model calculations. The traffic data used in the verified model is summarised in Appendix C.

6.3. Background Air Quality Data

The use of background concentrations within the modelling process ensures that pollutant sources other than traffic are represented appropriately. Background sources of pollutants include industrial and domestic emissions within the vicinity of the study site.

Background concentrations as used within the prediction calculations were referenced from the UK National Air Quality Information Archive database based on the National Grid Co-ordinates of 1 x 1 km grid squares nearest to the development site. The data used as representative background concentrations are summarised in Table 7 below.

The predicted background concentrations in the Archive decrease year on year based on the predicted progressive positive influence of EU and UK air quality legislation. However, guidance published on the DEFRA online Air Quality Review and Assessment Helpdesk in September 2010 states in relation to very recent trends that "there is little evidence of a consistent downward trend in either NO_X or NO_2 concentrations, that would be suggested by emission inventory estimates."

The assessment has therefore assumed that there will be no improvement in background air quality after 2010. As such, 2010 concentrations have been used throughout the assessment to represent background air quality in 2012/13.

Table 7 - Background Air Quality Data

OS Reference		2010 Background Concentrations (µg/m^3)	
Easting	Northing	NO_2	NO_X
430500	326500	16.6	24.5

6.4. Model Verification

Model verification involves the comparison of modelled data to monitored data in order to gain the best possible representation of current pollutant concentrations for the assessment year. The verification process used in this assessment is in general accordance with that contained in Annex 3 of TG (09) and uses the most recently available monitoring data from 2012-13 to best represent this.

The verification process consists of using the monitoring data and the published background air quality data in the UK National Air Quality Information Archive to calculate the road traffic contribution of nitrogen oxides (NO_X) at the monitoring locations.

Outputs from the DMRB model are provided as predicted road traffic contribution NO_X emissions. These are converted into predicted road traffic contribution NO_2 exposure at the relevant receptor locations based on the updated approach to deriving NO_2 from NO_X for road traffic sources published in paragraphs 2.22 to 2.27 of Local Air Quality Management TG(09). The calculation was derived using the most recent (Sept 2012) NO_X to NO_2 worksheet in the online LAQM tools website hosted by DEFRA.

Based on these results an overall adjustment factor is calculated which produces a best fit correlation between the model predictions and monitoring results. This approach ensures that the model provides the best possible representation of local traffic emissions.

Taking the results from all three monitoring locations, a primary model correction of **16.09** was applied to traffic derived NO_X concentrations before converting to NO_2. This figure demonstrates that the DMRB model was significantly under predicting the road traffic emissions at the monitoring locations.

Following primary adjustment of the traffic derived NOx a further comparison was made of the correlation between the modelled traffic derived NO_2 and the predicted road traffic contribution to the monitored NO_2 results. The correlation was found to be acceptable and so there was no secondary model correction required.

The verification factor calculations are summarised in Table 8 below.

Table 8: DMRB Model Verification Calculations

Monitoring Location	Monitored NO_2 ($\mu g/m^3$)	Background NO_X ($\mu g/m^3$)	Background NO_2 ($\mu g/m^3$)	Modelled NO_X ($\mu g/m^3$)	Monitored NO_X ($\mu g/m^3$)	Primary Correction
SDDC12	37.9	24.9	16.6	3.70	46.6	16.09
SDDC13	35.9	24.9	16.6	3.70	41.7	16.09
SDDC14	57.0	24.9	16.6	4.80	100.9	16.09

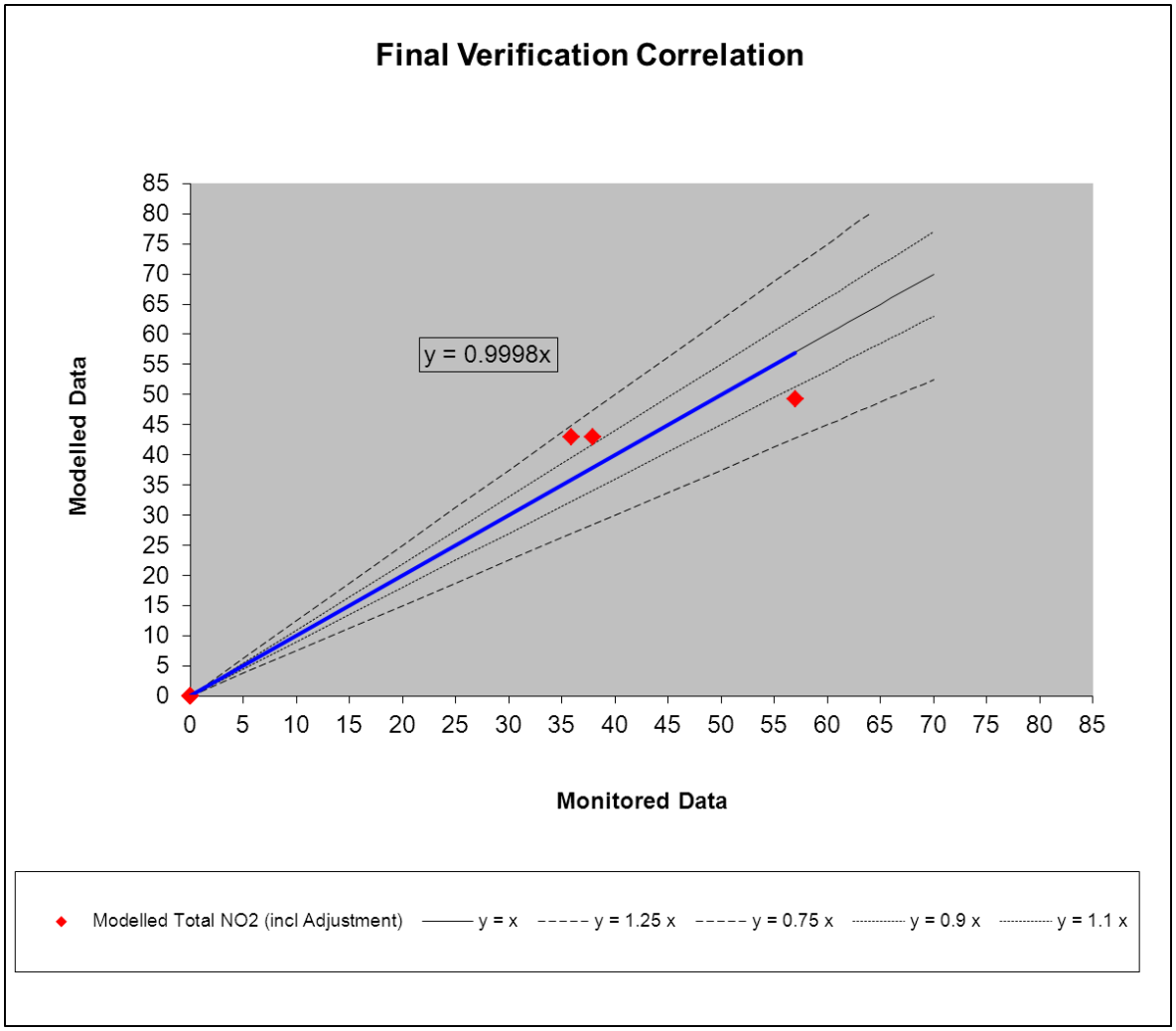
The primary correction was applied to the modelled traffic NO_X emissions which were then used with background NO_X and NO_2 levels in the NO_X to NO_2 worksheet to calculate the modelled total NO_2 exposure at the monitoring locations.

The final model verification correlations are summarised in Table 9 and Figure 5.

Table 9: Model Correlation

Monitoring Location	Monitored NO_2	Modelled Road Contribution NO_2	Modelled Total NO_2	Difference (Modelled - Monitored)	Difference (%)
SDDC12	37.9	26.3	42.9	5.0	-13.2%
SDDC13	35.9	26.3	42.9	7.0	-19.5%
SDDC14	57.0	32.7	49.3	-7.7	13.6%

Figure 5: Model Correlation



The final model was unable to produce data at the monitoring locations to within 10% of all of the monitoring results as recommended in TG(09). The model was therefore not considered to be adequately verified.

A further verification exercise was undertaken by removing the kerbside monitoring location SDDC14 from the data set.

This resulted in substantial reduction in the primary correction factor to **11.93**.

The resulting verification calculations are summarised in Tables 10 and 11 below and the final verification correlation without SDDC14 is illustrated in Figure 6.

Table 10: DMRB Model Verification Calculations without SDDC14

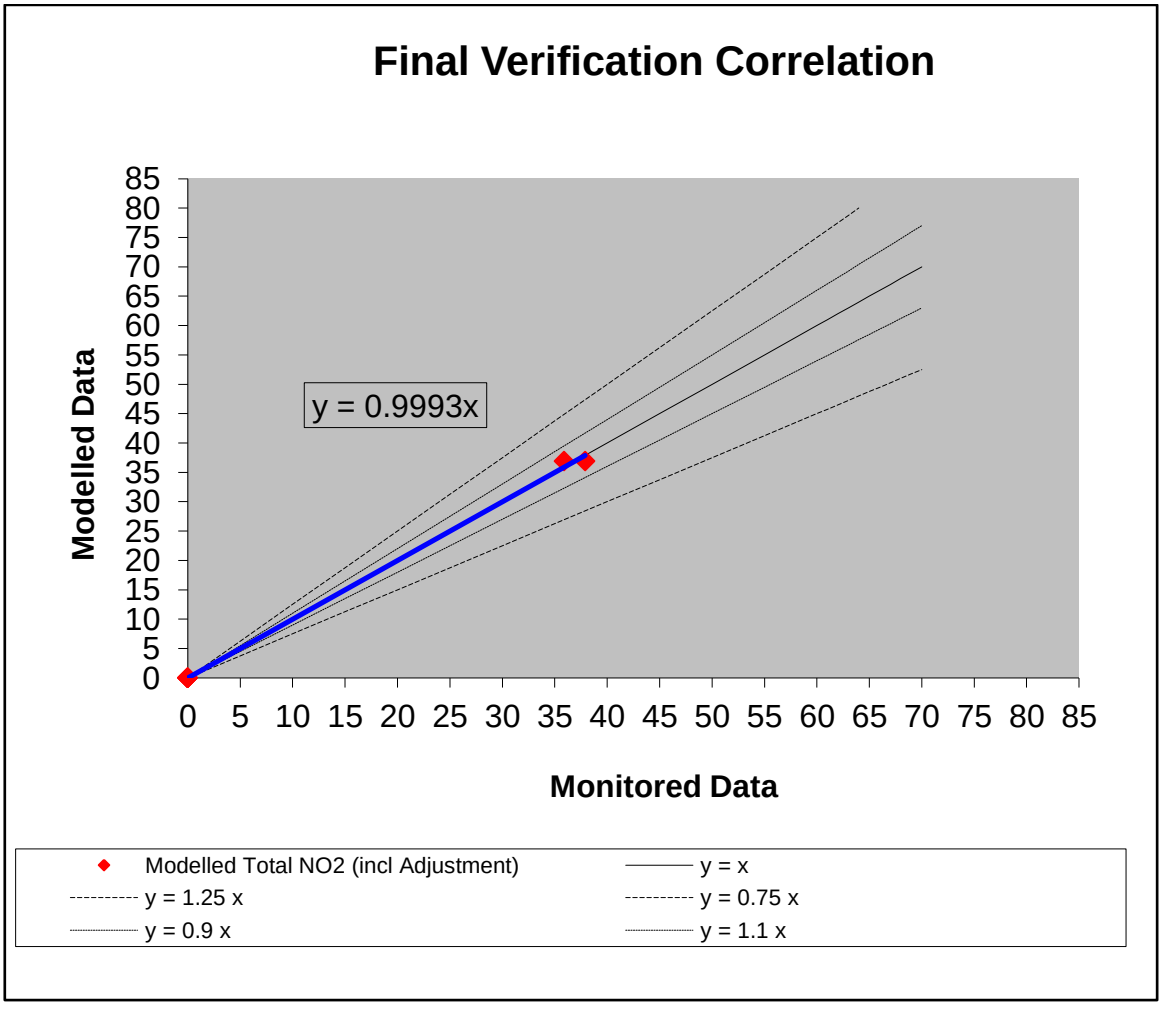
Monitoring Location	Monitored NO_2 ($\mu g/m^3$)	Background NO_X ($\mu g/m^3$)	Background NO_2 ($\mu g/m^3$)	Modelled NO_X ($\mu g/m^3$)	Monitored NO_X ($\mu g/m^3$)	Primary Correction

SDDC12	37.9	24.9	16.6	3.70	46.6	11.93
SDDC13	35.9	24.9	16.6	3.70	41.7	11.93

Table 11: Model Correlation without SDDC14

Monitoring Location	Monitored NO_2	Modelled Road Contribution NO_2	Modelled Total NO_2	Difference (Monitored - Modelled)	Difference (%)
SDDC12	37.9	20.3	36.9	1.0	2.6%
SDDC13	35.9	20.3	36.9	-1.0	-2.8%

Figure 6: Model Correlation without SDDC14



The correlation between the monitoring results and the model results with SDDC14 excluded were within 10% and therefore the model was deemed to be appropriately representative of local air quality during the monitoring period.

6.5. DMRB Assessment Results

In order to obtain predicted air quality levels at the relevant receptor locations the following sequential calculations were undertaken;

1. Relevant parameters were entered into the DMRB screening spread sheet to determine the predicted road contribution NOx at each receptor location. The parameters are summarised in Appendix C.
2. The modelled road contribution NOx was adjusted using the primary correction factor.
3. The modelled road contribution NO_2 was calculated using DEFRAs NOx to NO_2 spread sheet.
4. The secondary adjusted modelled road contribution NO_2 was added to the background NO_2 to provide a final prediction of the annual average air quality at each receptor.

Table 12 presents a summary of the predicted annual average nitrogen dioxide concentrations at relevant receptor locations in the assessment year of 2013. Exceedences of the AQO are highlighted.

Table 12: Predicted Annual Average Nitrogen Dioxide Exposure at Relevant Receptor Locations

Receptor ref	Address	Background NO_2	Road Traffic NO_2	Total NO_2 Exposure
R1	6 High Street, Repton	16.6	21.4	38.0
R2	9 High Street, Repton	16.6	23.6	**40.2**
R3	14 High Street, Repton	16.6	24.7	**41.3**
R4	15 High Street, Repton	16.6	24.5	**41.1**
R5	27 High Street, Repton	16.6	21.8	38.4
R6	20 High Street, Repton	16.6	22.0	38.6
R7	36 High Street, Repton	16.6	20.4	37.0
R8	35 High Street, Repton	16.6	20.1	36.7
R9	44b High Street, Repton	16.6	23.5	**40.1**

Based on the DMRB model calculations, four of the selected nine properties on High Street Repton are predicted to be exposed to NO_2 levels marginally above the AQO.

None of the receptor locations are predicated to be exposed to annual average levels above 60 µg/m^3 and therefore we can be confident that the 1 hour AQO for NO_2 is not being exceeded.

6.6. Assessment Uncertainty

It is important to understand the uncertainties associated with these assessment results. The uncertainties are summarised below along with proposed methods for addressing these uncertainties;

1. The monthly trends in the monitoring data on which the assessment is based are atypical and this may be explained by some local factors which influenced traffic flows and therefore air quality during the monitoring period (see section 5.3). If it is the case that monitoring results were abnormally high during the monitoring period then the outcomes of the assessment will be overly pessimistic. A continuation in the monitoring for a further calendar year will clarify if air quality results in the spring of 2013 were representative or not.

2. The DMRB model is a useful screening tool but it tends to underestimate the reduction in the drop-off in NO_2 concentrations by distance from traffic emissions sources. If the further monitoring demonstrates that the air quality monitoring results obtained to date are representative, then modelling using more sensitive air quality dispersion models would be advisable.

3. LAQM paragraph 3.19 states that the overall uncertainty of the annual mean results from a palmes type diffusion tube is +/- 20% having followed all appropriate quality controls and application of bias adjustment factors.

7. Conclusions

Air quality monitoring at three locations on High Street in Repton have identified that annual average NO_2 levels within the village are above the Air Quality Objective of 40µg/m^3 at a kerbside monitoring location and marginally below the Objective at locations a few metres from the kerb.

The monthly trends in the monitoring results are not typical of the results that would normally be expected in these locations. It is suspected that local development activity resulted in changes in traffic flows, particularly in the spring of 2013, which may have increased the monitoring results well above the norm.

Screening model predictions of the annual average exposure at relevant receptor locations (namely the façade of residential properties closest to the kerb of High Street) conclude that some receptors on High Street are above the AQO. The highest predicted exposure is at 14 High Street, Repton where the annual exposure is predicted to be 41.3µg/m^3.

8. Recommendations

Section 83(1) of the Environment Act 1995 states that;

"Where, as a result of an air quality review, it appears that any air quality standards or objectives are not being achieved…. the local authority shall by order designate as an air quality management area (in this Part referred to as a "designated area") any part of its area in which it appears that those standards or objectives are not being achieved, or are not likely to be achieved within the relevant period"

Section 84 of the Environment Act 1995 states that;

(1) Where an order under section 83 above comes into operation, the local authority which made the order shall, for the purpose of supplementing such information as it has in relation to the designated area in question, cause an assessment to be made of—

(a) the quality for the time being, and the likely future quality within the relevant period, of air within the designated area to which the order relates; and

(b) the respects (if any) in which it appears that air quality standards or objectives are not being achieved, or are not likely within the relevant period to be achieved, within that designated area.

(2) A local authority which is required by subsection (1) above to cause an assessment to be made shall also be under a duty—

(a) to prepare, before the expiration of the period of twelve months beginning with the coming into operation of the order mentioned in that subsection, a report of the results of that assessment; and

(b) to prepare, in accordance with the following provisions of this Part, a written plan (in this Part referred to as an "action plan") for the exercise by the authority, in pursuit of the achievement of air quality standards and objectives in the designated area, of any powers exercisable by the authority.

The test of the need to declare an Air Quality Management Area in the statutory guidance is whether there is 'reasonable certainty' that an AQO is being exceeded.

Given the uncertainty about the monitoring results in spring 2013 it is not considered that it is reasonably certain that the AQO is being exceeded in Repton.

Based on the statutory requirements, the following recommendations are therefore made;

1. That a year of further monitoring of NO_2 be undertaken on High Street, Repton using diffusion tubes to improve the quantity of the air quality data within the study area. The number of monitoring points will be increased to monitor as near as practicable to the façade of receptors R2, R3, R4 and R9.
2. If additional monitoring indicates that the annual average NO_2 levels are more than 36 μgm^3, that a revised Detailed Assessment be undertaken using computational atmospheric dispersion modelling to provide more certainty about the spatial distribution of traffic emissions and to define the spatial extents and magnitude of any AQO exceedences. We have chosen 36 μgm^3

to allow for a possible 20% uncertainty in the assessment predictions given the factors outlined in section 6.6.

Appendix A - WASP Interauthority Lab Performance

Table 1: Laboratory summary performance for WASP NO_2 PT rounds 113 - 120

The following table lists those UK laboratories undertaking LAQM activities that have participated in recent HSL WASP NO_2 PT rounds and the percentage (%) of results submitted which were subsequently determined to be satisfactory based upon a z-score of $\leq \pm 2$ as defined above.

WASP Round	WASP R113	WASP R114	WASP R115	WASP R116	WASP R117	WASP R118	WASP R119	WASP R120
Round conducted in the period	April - June 2011	July - September 2011	October - December 2011	January – March 2012	April – June 2012	July – September 2012	October – December 2012	January – March 2013
Aberdeen Scientific Services	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %
Bristol City Council [4]	100 %	100 %	100 %	-	-	-	-	-
Cardiff Scientific Services	100 %	100 %	75 %	100 %	100 %	100 %	100 %	100 %
Edinburgh Scientific Services	100 %	100 %	0 %	100 %	100 %	100 %	100 %	100 %
Environmental Services Group, Didcot (formerly Bureau Veritas Laboratories, Glasgow and Harwell Scientifics) [1] [2]	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %
Exova (formerly Clyde Analytical)	100 %	0 %	75 %	0 %	0 %	100 %	25 %	75 %
Glasgow Scientific Services	100 %	100 %	100 %	100 %	50 %	100 %	100 %	50 %
Gradko International [2]	100 %	100 %	37.5 %	100 %	100 %	100 %	100 %	100 %
Kent Scientific Services	100 %	100 %	75 %	75 %	100 %	75 %	100 %	50 %
Kirklees MBC	0 %	0 %	50 %	100 %	100 %	75 %	100 %	100 %
Lambeth Scientific Services	25 %	100 %	25 %	75 %	100 %	0 %	100 %	100 %
Milton Keynes Council	75 %	100 %	100 %	100 %	100 %	75 %	100 %	50 %
Northampton Borough Council	100 %	100 %	100 %	100 %	100 %	100 %	100 %	0 %
Somerset Scientific Services [3]	-	-	100 %	100 %	100 %	100 %	100 %	100 %
South Yorkshire Air Quality Samplers	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %
Staffordshire County Council	100 %	100 %	100 %	100 %	100 %	75 %	100 %	50 %
Tayside Scientific Services (formerly Dundee CC)	100 %	100 %	100 %	100 %	100 %	100 %	100 %	75 %
West Yorkshire Analytical Services	75 %	100 %	100 %	75 %	75 %	50 %	100 %	100 %

[1] Bureau Veritas laboratory and Harwell Scientific now part of ESG Group.
[2] Participant subscribes to two sets of test samples (2 x 4 test samples) in each WASP PT round.
[3] New participant from R115.
[4] No longer involved in NO_2 diffusion tube measurements from R116.

Appendix B – Locations of Repton Diffusion Tube Monitoring Locations

Plate 1 – SDDC12,

Plate 2 – SDDC13

Plate 3 – SDDC14

Appendix C

Traffic Data used in DMRB Model

Link Ref	Description	AADT	Speed (kph)	Road type	% cars	% LGV	Total % Light	% Buses	% Rigid HGV	% Artics	total % HGV
1	High Street (north of 21 Main Street)	6142	15	C	88.9%	10%	98.9%	0.1%	0.5%	0.5%	1.1%
2	High Street (south of 21 Main Street)	6142	30	C	88.9%	10%	98.9%	0.1%	0.5%	0.5%	1.1%
3	Boot Hill	500	30	C	89%	10%	0%	0%	1%	0%	1%
4	Brookside Close	500	30	C	89%	10%	0%	0%	1%	0%	1%
5	The Pastures	700	30	C	89%	10%	0%	0%	1%	0%	1%

AADT = Annual average daily traffic flow
LGV = light goods vehicles
HGV = heavy goods vehicles

Additional Inputs into the DMRB Air Quality Assessment

Receptor ref	Address	Link Ref & Distance to Link Centre
R1	6 High Street, Repton	Link 1 – 13m Link 3 – 33m
R2	9 High Street, Repton	Link 1 – 9m Link 3 – 23m
R3	14 High Street, Repton	Link 1 – 3m Link 3 – 45m
R4	15 High Street, Repton (School)	Link 1 – 6m Link 3 – 45m
R5	27 High Street, Repton	Link 2 – 6m Link 4 – 34m
R6	20 High Street, Repton	Link 2 – 3m Link 4 – 45m
R7	36 High Street, Repton	Link 2 – 6m
R8	35 High Street, Repton	Link 2 – 7m
R9	44b High Street, Repton	Link 2 – 6m Link 5 – 6m

Appendix D – Reference Documents

The Air Quality Standards Regulations, 2010

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland, 2007

The Environment Act, 1995

Local Air Quality Management Technical Guidance LAQM.TG(09), DEFRA, 2009

Design Manual for Roads and Bridges, Volume 11, Section 3, Part 1, HA 207/07 - Air Quality, Highways Agency, 2007

Development Control: Planning for Air Quality, National Society for Clean Air and Environmental Protection, 2010

REPORT TO:	**Environment and Development Service Committee**	**AGENDA ITEM: 10**
DATE OF MEETING:	**21st November 2013**	**CATEGORY: DELEGATED**
REPORT FROM:	**Bob Ledger – Director of Housing and Environmental Services**	**OPEN**
MEMBERS' CONTACT POINT:	**Matt Holford – Environmental Health Manager, 01283 595856, matthew.holford@south-derbys.gov.uk**	**DOC:**
SUBJECT:	**Regulator and Business Partnership Charter**	**REF:**
WARD(S) AFFECTED:	**All**	**TERMS OF REFERENCE: EDS14**

1. Recommendations

1.1 That Members approve that South Derbyshire District Council become a signatory to the D2N2 Local Enterprise Partnership Regulator and Business Partnership Charter (attached as Appendix 1).

1.2 That Members approve the proposed partnership with the D2N2 Chamber of Commerce and Derbyshire County Council Trading Standards to provide a pilot health and safety advisory service for businesses in Derbyshire and Nottinghamshire.

2. Purpose of Report

2.1 To provide Members with a summary of the existing work being undertaken by South Derbyshire's regulatory teams to support local business growth and of the direction of travel being taken to further support growth.

2.2 To seek Members approval of the D2N2 Local Enterprise Partnership Regulator and Business Partnership Charter.

3. Background to the Charter and 'Better Regulation'

3.1 The regulation of business must strike a balance between being sufficiently robust in order to protect the public, employees and the environment whilst not being an excessive burden to economic growth. The perceived burden of regulation on businesses has particularly come under scrutiny during recent years when the need for economic growth has become more acute.

3.2 There is anecdotal evidence that some forms of regulation are more burdensome than others. The extent of health and safety law, employment law and taxation law are all regularly cited by the business community as unnecessary 'red tape'. Over the last two years the Department for Business, Innovation and Skills (BIS) has been promoting the concept of 'better regulation'. This is summarised as "Working towards a simple and clear regulatory environment in which businesses have the confidence to invest and grow, and citizens and communities are properly protected".

3.3 Underlying the concept is not the wholesale removal of regulation (most of which was implemented for entirely appropriate and proportionate reasons), but to improve the way in which the regulations are interpreted and enforced. The development of the concept has particularly taken hold in the areas of Environmental Health and Trading Standards, but it is now growing to include more and more areas where businesses are regulated.

3.4 The better regulation agenda has been active in South Derbyshire for the last 6 months or so and the principle has been fully supported by the Derbyshire and Nottinghamshire Local Enterprise Partnership and Chamber of Commerce. The way in which the principle is being actively implemented is taking a number of forms;

- SDDC in partnership with Derbyshire County Council Trading Standards has obtained funding from the LEP to provide a 'without prejudice' pilot health and safety advisory service for businesses across the D2N2 region. The project has two aims - to provide businesses in the region with practical health and safety advice in order to improve workplace health; and to seek to obtain direct, specific evidence about whether health and safety is really a burden to business, how much it costs and how it can be improved. The pilot project proposes to deliver up to 100 advisory interactions with businesses across the Derbyshire / Nottinghamshire region during this 6 month pilot period.

- A single point of contact is being developed to enable businesses to access information on all sorts of regulation in one web portal. The underlying concept is to reduce the often substantial amount of time businesses have to take to find and understand their legal duties and to ensure that the advice they get is as consistent as possible. The portal is proposed to be led and hosted by the LEP with the supporting information provided by all regulatory agencies.

- 'Trading places' is a programme of getting regulators to walk in the shoes of business operators for a short time. The concept is to get regulators to better understand the pressures business operators work under and to better understand the consequences of their regulatory decisions on business operators. The programme is being developed through a Regulators' Steering Group hosted by the LEP with a first event programmed for 5th December 2013.

- We are developing with colleagues at County Council an award scheme to promote healthier food offerings from our retail food outlets. The proposed scheme will encourage food businesses to sign up to specific pledges; such as providing products with lower fat or salt content, or smaller portion sizes. The scheme will link to the enormously successful "Scores of the Doors" food safety rating scheme which will ensure that businesses holding the award are both healthy and safe. The Scores on the Doors scheme is proving an excellent example of how regulation can be used positively via market forces to promote growth in high performing businesses.

3.5 The Regulator and Business Partnership Charter is part of the overall 'better regulation' offering. By signing up to the Charter the Council is committing all of those relevant parts of the Council that regulates business to adhere to the principles of the Charter. The regulatory services provided by the Council to which we propose to apply the Charter are;

- Health and safety law;
- Food safety law;

- Environmental law (air pollution, land contamination, noise, waste regulation);
- Licensing law;
- Private sector rented housing law;

3.6 Currently excluded from the proposed coverage of the Charter are Business rates, planning enforcement and building control, although it is possible that the principles of the Charter may be extended to apply to these service areas at a later date.

3.7 The aspiration of the LEP is that the Charter will be signed by all of the regulatory bodies across the Derbyshire / Nottinghamshire region, including the Environment Agency, Fire Services, Food Standards Agency, all District and City Councils, HMRC, Health and Safety Executive, etc.

3.8 On a practical level many of the principles are already contained in the Council's Enforcement policies to which Council officers are legally obliged to pay due regard in making enforcement decisions.

3.9 In the longer term, the implications of the Charter for SDDC are likely to be on shaping the development of annual service plans and the need for managers to include mechanisms of monitoring the implementation of the principles of the Charter in each of the respective services.

3.10 By adopting the Charter, SDDC would be one of the first (if not the first) regulatory agency in the region to sign up. It would provide a clear signal to the LEP that South Derbyshire continues to be at the forefront of promoting local economic development whilst supporting our businesses to protect health and the environment.

4. Financial Implications

4.1 Positive. There are no immediate financial implications and we would hope to use the Charter as a means of accessing potential future funding streams to promote better regulation and improve public health.

4.2 The pilot advisory service we would provide across the D2N2 region is to be funded by the LEP.

5. Corporate Implications

5.1 The proposals align with the "sustainable growth and opportunity" and "safe and secure" Corporate Plan Objectives.

6. Community Implications

6.1 Positive. The delivery of the objectives of the Charter will directly contribute to improved trading conditions for local businesses.

D2N2 Logo

D2N2 Local Enterprise Partnership

Regulator and Business Partnership Charter

D2N2 Local Enterprise Charter
8 Experian Way
Nottingham
NG2 1EP

9th October 2013

Partnership Charter

This is a charter agreed by local authorities, national regulators and the business community within the D2N2 Local Enterprise Partnership.

The partners are committed to working together to provide a regulatory environment that promotes success in business whilst continuing to provide public protection. The charter sets out roles and responsibilities for both regulators and the businesses community to achieve this aim.

Local authorities and national regulators will work in collaboration and align their services to deliver the following commitments:

We will work together to:

1. Provide support for business through a programme of advice and through participating in Primary Authority[1].

2. Create an environment where businesses feel confident to seek advice from a regulator without fear of attracting enforcement activity.

3. Partners will adopt the Regulators Code in delivering their Regulatory Services.

4. Take ownership of any enquiry made to us by business until a satisfactory response is made. Make advice about regulation accessible to business through a website/phone app single point of contact

5. Ensure that all service delivery staff are competent and adopt a professional attitude when engaging with business. Consistency seminars will be provided to ensure that regulation is applied fairly and effectively across the LEP area, and to improve business understanding among staff.

6. Take a risk and intelligence led approach to all compliance and enforcement activities, ensuring protection of consumers, workers, public health and the environment whilst providing a level playing field for business. Recognition will be given to businesses that can demonstrate effective controls.

7. Improve transparency by publishing our approach to compliance and enforcement that explains what the regulator will do and why.

8. Consult with local businesses to shape service delivery and develop innovative regulatory approaches that promote business success.

9. Be accountable to business, giving them confidence to make comment and criticism through the proposed LEP feedback mechanism.

1 'Primary Authority' is a scheme run by the Better Regulation Delivery Office that allows businesses to work with one local authority to agree a consistent approach to regulation across the UK.

The D2N2 Local Enterprise Partnership, The Chambers of Commerce, Federation of Small Businesses and trade organisations will encourage the business community, through publicity, forums, emails and mail shots to:

1. Access regulatory advice by asking any regulator a question or through the one stop web/phone app.

2. Be confident in approaching regulators for advice without fear of enforcement activity.

3. Use the proposed LEP feedback mechanism to provide feedback, good and bad, after interactions with regulators.

4. Build a positive relationship with regulators that improves compliance amongst the business community and supports business growth within the LEP area.

5. Acknowledge the contribution made by regulators and support positive publicity when there are improvements in business engagement with regulatory services.

6. Help other businesses to succeed through participating in a business mentor scheme.

7. Engage in business and Regulator forums, and other opportunities, to shape regulation delivery in the LEP area.

www.d2n2lep.org
www.thebusinessadvicewebsite.co.uk
For business advice or support ring 0844 225 4089
www.hmrc.gov.uk
www.employment-advice-bureau.co.uk
www.environment-agency.gov.uk
www.acas.org.uk

Partnership Charter - Signatories

Chamber of Commerce

in partnership with Environment Agency

Notts Fire Service

Derbyshire Fire Service

FSA

District and City logos

Environmental & Development Services Committee – 21st November, 2013
Work Programme 2013/14

Work Programme Area	Date of Committee meetings	Anticipated completion date	Submitted to Council target date	Contact Officer (Contact details)
HS2 phase 2 consultation	21st November 2013			Richard Groves Planning Policy Officer 01283 595738
D2N2 Regulator and Business partnership	21st November 2013			Mathew Holford Environmental Health Manager 01283 595976
Repton Air Quality assessment	21st November 2013			Mathew Holford Environmental Health Manager 01283 595976
Quarterly performance	21st November 2013			
East Midlands Airport Draft Master Plan consultation	21st November 2013			Richard Groves Planning Policy Officer 01283 595738
Derbyshire Minerals and Waste Local plan consultation	21st November 2013			Kevin Exley Planning Policy Officer (01283 228717)
Responses to Draft Local Plan consultation, Submission Local Plan	30th January 2014			Nicola Sworowski Planning Policy Manager (01283 595821)
Quarterly performance	30th January 2014			

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