

General Licensing Committee Agenda



Contact: Ron Schrieber, Democratic Services Officer

Telephone number 01235 540306

Email: ron.schrieber@southandvale.gov.uk

Date: 19 March 2015

Website: www.whitehorsedc.gov.uk

A meeting of the

General Licensing Committee

will be held on Friday, 27 March 2015 at 2.00 pm

Meeting Room 1, Old Abbey House, Abingdon, OX14 3JE

Members of the Committee:

Councillors

Charlotte Dickson (Chairman)

Bill Jones

Marilyn Badcock (Vice-Chairman)

Ron Mansfield

John Amys

Aidan Melville

Eric Batts

Elizabeth Miles

Jeanette Halliday

Gill Morgan

Anthony Hayward

Val Shaw

Dudley Hoddinott

Alison Thomson

Bob Johnston

Alternative formats of this publication are available on request. These include large print, Braille, audio, email and easy read. For this or any other special requirements (such as access facilities) please contact the officer named on this agenda. Please give as much notice as possible before the meeting.

A handwritten signature in black ink, appearing to read "Margaret Reed".

Margaret Reed

Head of Legal and Democratic Services

Agenda

Open to the Public including the Press

Council's vision

The council's vision is to take care of your interests across the Vale with enterprise, energy and efficiency.

1. Notification of substitutes and apologies for absence

To record the attendance of substitute councillors, if any, who have been authorised to attend in accordance with the provisions of standing order 17(1) with notification having been given to the proper officer before the start of the meeting and to receive apologies for absence.

2. Minutes

(Pages 3 - 4)

To adopt and sign as a correct record the minutes of the committee meeting held on 17 December 2014 (previously published).

3. Declarations of interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4. Urgent business and chair's announcements

To receive notification of any matters, which the chair determines, should be considered as urgent business and the special circumstances, which have made the matters urgent, and to receive any announcements from the chair.

5. Statements, petitions and questions from the public relating to matters affecting the General Licensing Committee

Any statements, petitions and questions from the public under Standing Order 32 will be made or presented at the meeting.

6. Air Quality Management Area and Air Quality Action Plan for Marcham

(Pages 5 - 22)

To consider the head of corporate strategy's report.

Exempt information under Section 100A(4) of the Local Government Act 1972

None

Minutes
of a meeting of the
General
Committee

Licensing



held on Wednesday, 17 December 2014 at 2.00 pm
at the Meeting Room 1, The Abbey House, Abingdon, OX14 3JE

Open to the public, including the press

Present:

Members: Councillors Charlotte Dickson (Chairman), Marilyn Badcock (Vice-Chairman), John Amys, Eric Batts, Jeanette Halliday, Dudley Hoddinott, Bob Johnston, Bill Jones, Ron Mansfield, Elizabeth Miles and Alison Thomson

Officers: Paul Holland, Clare Kingston and Nicola Meurer

GL.8 Notification of substitutes and apologies for absence

Councillors Anthony Hayward, Aidan Melville and Gill Morgan sent their apologies.

GL.9 Minutes

Councillor Halliday noted that she was listed as having notified an apology; however she was not aware of the meeting and nor had she had her training.

RESOLVED: to approve the minutes of the meeting of 7 July 2014 as a correct record and agree that the Chairman sign these as such.

GL.10 Declarations of interest

None.

GL.11 Urgent business and chair's announcements

None.

GL.12 Statements, petitions and questions from the public relating to matters affecting the general licensing committee.

None.

GL.13 Air Quality Action Plan

The Environmental Protection Manager introduced the report and updated the committee on the following points from the Vale of White Horse Scrutiny Committee's suggestions:

- To look at including a 'bus idling' action for a one minute turn off policy;
- To consider appropriate SMART targets in relation to council and contractor vehicles;
- To consider extending a pilot project for 'eco driver training' to councillors;
- Green (vegetative) barriers to be included in the planning guidance; and
- Green travel plans to be included in the action plan – the County Council will lead on these.

The licensing committee considered the report of the Head of Corporate Strategy on the proposed Air Quality Action Plan and consultation responses. The discussion included the following:

- A request for quick electric car charging points;
- Confirmation needed on who will maintain the charging points;
- The barriers on the A34 at Botley extension to the southbound carriageway (included in the plan);
- The height of the diffusion tube monitors (response: modelling exposure is at ground level as well);
- Abingdon high-traffic areas being outside the identified areas, feasibility of sampling in these areas; and
- Lodge Hill interchange improvements (Councillor Bob Johnston, a county councillor, stated that this is in the county transport plan as a high priority).

RESOLVED (for 11; against 0; abstentions 0)

To authorise the head of corporate strategy to make any minor amendments to the plan in consultation with the Cabinet Member for Health and the Chairman of the General Licensing Committee.

To include a recommendation to have fast-charging electric car points and confirmation of maintenance of the charge points.

The meeting closed at 2.30 pm

General Licensing Committee



Report of Head of Corporate Strategy

Author: Tim Williams

Telephone: ext 7532

Textphone: 18001 01235 540532

E-mail: tim.williams@southandvale.gov.uk

Executive member responsible: Roger Cox

Tel: 01235 540391

E-mail: roger.cox@whitehorsedc.gov.uk

To: General Licensing Committee

DATE: 27 March 2015

Air Quality Management Area and Air Quality Action Plan for Marcham

Recommendation

- That the General Licensing Committee approves the making of an Air Quality Management Order designating part of Marcham as an Air Quality Management Area.
- That the General Licensing Committee approves the Air Quality Action Plan for the Marcham Air Quality Management Area and approves its incorporation within the Vale of White Horse District Council Air Quality Action Plan.
- That the head of corporate strategy be given delegated powers to make any minor amendments to the order and/or the action plan in consultation with the Cabinet Member for Health and Housing, and the Chairman of the General Licensing Committee.

Purpose of Report

1. To ask the committee to:

- approve the Marcham Air Quality Management Order

- approve the draft Air Quality Action Plan for Marcham and
- consider the report containing the responses to the public consultation (appendix one).

Strategic Objectives

2. Support for communities.

Background

3. The European Union sets the national requirement for air quality management and has declared national Air Quality Objectives (AQO) for different types of pollutants. These have been incorporated into UK law.
4. Under the Environment Act 1995 the council has a duty to monitor air quality against these AQO and report on local air quality to Defra. If an AQO is not being met the council is required to declare an Air Quality Management Area (AQMA). This is the case in Marcham.
5. Where an AQMA has been declared the council is required to prepare an Air Quality Action Plan (AQAP) which will work towards meeting the AQO.
6. A detailed assessment of air quality in Marcham concluded that the AQO would not be met at several residential properties close to the A415 and so we need to declare an AQMA.
7. The mechanism for declaring an AQMA is for the council to approve an Air Quality Management Order (AQMO) which defines the area of the AQMA. It includes all relevant locations where the AQO might be exceeded.
8. We have drafted an AQMO covering an area adjacent to the A415 in Marcham. This area includes all of the relevant locations identified in the detailed assessment. A draft AQMO and map are attached at appendix two.
9. We have also identified measures to improve air quality in Marcham. We consulted on these measures and we received 29 responses, which were broadly in favour of our suggested measures. The responses are included in the report in appendix one. An AQAP containing specific measures targeted at improving air quality in Marcham is attached at appendix three. With the Committee's approval the district wide AQAP, will be updated with an additional section containing measures relating to Marcham.
10. When we produced the plan, because the pollution is traffic related, we consulted the highway authority.

Financial Implications

11. There are no direct financial implications in declaring an AQMA. Where measures within the AQAP are the responsibility of this council, we will deliver them using existing officer time and budgets. If the measures require additional resources then officers will seek external funding via, for example, Defra grants.

Legal Implications

12. Where an AQO is not being met there is a legal requirement under the Environment Act 1995 for the council to declare an AQMA. There is also a legal requirement under the Environment Act 1995 for a local authority to produce an AQAP targeted at meeting air quality objectives where an AQMA has been declared.

Risks

13. The council would be failing in its duties under the Environment Act 1995 if it did not declare an AQMA and also approve an AQAP targeted at meeting the AQO in Marcham.

Other Implications

14. The council is required to monitor and report on air quality and declare an AQMA where an AQO is exceeded. Officers have to work with the highway authority in their action planning as only reductions in traffic emissions will have a material impact upon this issue. There is no legal obligation to achieve the AQO, only a requirement to work towards meeting the objective.

Conclusion

15. The council has a duty to declare an AQMA in Marcham where the AQO is not being met. When the council declares an AQMA it has a duty to develop an AQAP. We will amend the district wide AQAP to include additional measures which will work towards meeting the objectives in Marcham.

Background Papers

Detailed Assessment of Air Quality A415, Marcham 2014
Marcham air quality consultation pack

Appendices

Appendix one - Air Quality Consultation report
Appendix two - Air Quality Management Order with map
Appendix three- Air Quality Action Plan measures for Marcham



Marcham Air Quality Management Area and Air Quality Action Plan Consultation 2015

CONSULTATION SUMMARY

A summary of consultation undertaken by the council between January and March 2015 to help define the area to be included in an Air Quality Management Area for Marcham and to consider possible measures to include in an Air Quality Action Plan to improve air quality in Marcham.

MARCH 2015

SUMMARY

This report provides a summary of the consultation that Vale of White Horse District Council (VWHDC) undertook between January and March 2015 on the area to be included in an Air Quality Management Area (AQMA) in Marcham and to consider measures to include in an air quality action plan (AQAP) for Marcham.

The consultation sought the views of various organisations, local communities and individuals on proposals to declare an AQMA in Marcham; on the area to be included within the AQMA, and on measures intended to bring about air quality improvements in Marcham.

Opportunities were created for members of the public to provide feedback via our online consultation tool and in writing.

A total of 29 people and organisations responded to the consultation.

Most respondents agreed with the findings of the detailed air quality assessment and on the need for an AQMA in Marcham. There was support for the proposed boundaries of the AQMA, although a significant number of respondents felt that the eastern boundary should be extended along the A415 to the eastern boundary of Marcham village. There was also widespread support for the measures we proposed for consideration to address air quality issues in Marcham. Respondents also proposed other measures to address air quality issues in Marcham.

THE AIR QUALITY MANAGEMENT AREA

Monitoring of nitrogen dioxide near the A415 in Marcham has shown that levels were exceeding the annual Air Quality Objective (AQO). A detailed assessment was undertaken in November 2014 in order to model nitrogen dioxide levels over a wider area. This assessment concluded that the AQO would be exceeded at some locations and that the council should consider declaring an AQMA covering all locations where the AQO was not predicted to be met. The council has proposed an area which includes all residential property in Marcham where the AQO is not predicted to be met.

THE AIR QUALITY ACTION PLAN

Where an AQMA has been declared the council has to draw up an Air Quality Action Plan (AQAP) in consultation with stakeholders and local residents. The AQAP must contain measures which can be considered to improve local air quality. The opportunity was taken to consult on proposed measures at the same time as the consultation on the AQMA and to seek proposals for other measures from the consultees. A district wide AQAP was approved by the General Licensing Committee in 2014 and it is envisaged that the measures approved for Marcham will form an additional chapter in the district wide AQAP.

THE CONSULTATION

We consulted local residents and stakeholders between 26 January and 13 March 2015 on:

- the conclusions of the detailed air quality assessment of the need to declare an AQMA in Marcham
- the area to be included in an AQMA
- the measures to be included in an AQAP.

We consulted local residents and stakeholders to gather feedback on whether they felt the conclusions of the detailed assessment were appropriate, whether the proposed boundaries of the AQMA were appropriate, to consider their views on the measures proposed to improve air quality and to consider any other proposals which could improve air quality in Marcham. We approached a wide range of stakeholders, including both statutory and non-statutory consultees. A full list of the people and organisations that we consulted is shown in Appendix 1 – Consultees.

To raise an awareness of the consultation we published details on our website and sent email notifications to our key stakeholders. Consultation packs were hand delivered to all properties within the boundary of the proposed AQMA and other properties near the A415 in Marcham. Consultation packs included a consultation letter, a summary of the detailed assessment findings, and a map of the proposed area and background information which included proposed measures to improve air quality in Marcham.

Members of the public were able to submit comments online using the council's consultation system during this period (<http://www.southoxon.gov.uk/airquality>).

We also accepted comments made in writing to the Council Offices, Abbey House, Abbey Close, Abingdon OX14 3JE.

CONSULTATION RESPONSES

29 responses were received in response to the consultation from members of the public and organisations interested in the air quality proposals for Marcham.

General consultation comments

THE PROPOSED AQMA IN MARCHAM

The air quality issues in Marcham are all traffic related. The road is a busy 'A' road linking Abingdon to Witney and providing a link from the A34 to the A420. In Marcham this road is narrow and winding and there are properties very close to the road. The road is so narrow at some points, that larger vehicles obstruct the flow of traffic coming the other way. This can cause localised congestion in both directions.

The detailed assessment concluded that the council should consider declaring an AQMA. We asked for views on this.

Respondents felt that there is an air pollution problem in Marcham. The need for an AQMA was widely supported by 86% of respondents. There were no responses which did not support the conclusions of the detailed assessment.

It is obvious that the amount of traffic, particularly lorries that come through the village on the A415 is having a deleterious effect on the air quality in the area of the main road.

Some days we can actually taste and smell the fumes from the road in our living room. All our family suffer quite regularly from throat problems i.e. sore throats and coughs.

The results of the survey are hardly surprising. It's obvious that where you have heavy traffic trundling through an area which is easily locked up due to HGVs and other large vehicles causing stoppages at the bends that the air quality will be severely affected.

THE PROPOSED AQMA BOUNDARIES

We asked for views on the proposed boundaries to the AQMA. All premises where the AQO is predicted to be exceeded are included within the proposed boundaries.

We wholly support this

This marked area seems to cover most of the area closed in by the houses near the road. This is about time this ongoing problem was investigated in much more detail and resolved.

It seems very sensible

The whole of Marcham needs to be covered by this or all that will happen is that traffic will divert and go through the centre of Marcham.

The Parish Council would like to see an extension of the boundary of the AQMA eastwards to take into account the new houses which are closest to the road. This would take the line of the AQMA to a point approximately opposite Howard Cornish Road or the 30 mph sign at the edge of the village.

There was a mixed response on the question of the suitability of the proposed boundaries to the AQMA, a majority of respondents (35 %) felt that the proposed boundaries of the AQMA are about right. However a significant number of respondents (31 %), including the parish council, wanted the boundary extended along the A415 to the eastern boundary of the village. The area to the east of the village is more open and properties are further from the road than within the proposed AQMA area. All properties within this area were consulted and all of the four respondents from this area were in favour of an extension to the proposed boundary. Analysis of recent monitoring indicates high kerbside levels of nitrogen dioxide east of the proposed AQMA boundary.

The council has discretion on the size of area declared as an AQMA, so long as it includes all properties where the AQQ is not predicted to be met. The detailed assessment did not predict exceedence of the AQQ to the east of the proposed AQMA area, but did identify high levels of nitrogen dioxide at the kerbside. In view of the consultation responses and the results of recent monitoring it seems wholly appropriate to extend the boundary eastwards as requested.

Views on actions proposed in the draft plan

All measures proposed to improve local air quality were supported by the majority of respondents to the consultation. However two respondents expressed concern that a weight restriction zone could result in the remaining traffic speeding up through the village.

The table below shows the number of positive and negative comments in relation to all of the actions proposed in the draft plan.

Table 1

Action	Measure	Number of responses
1	Consider with OCC imposing a weight restriction limit on the A415 through Marcham to discourage HGVs and larger vehicles.	20 for 0 against
2	Consider with OCC the potential for building a by-pass. Funding and planning permission would need to be sought to make this a real possibility.	22 for 2 against
3	Consider commissioning a study relating to the feasibility of introducing a Low Emission Zone limiting the use of the existing road. This would look at the cost benefits of such a scheme on air quality within Marcham.	14 for 0 against

The most popular measures were the proposals for a weight restriction limit and for consideration of a by-pass which were favoured by 69% and 76% of respondents respectively. The proposal for a low emission zone was supported by 48% of respondents. There were just two respondents who indicated that they were against the proposal for a by-pass.

The issue of a by-pass is a non starter. A by-pass has been considered many times over the past 50 years. There has never been the funding and in the current economic climate this will not change.

The second option is not realistic because OCC will not provide permission nor funding, using government cuts as their usual, convenient excuse.

There is support for a by-pass in Marcham however this would only be possible as a result of significant additional housing development in the area. However this action should remain as a long term goal.

Other actions suggested by consultees

We asked consultees if they had any further suggestions for actions to be included within the plan. A total of 8 suggestions were made which are detailed in Table 2 below, along with our response.

Table 2

Proposal	Proposed action	Feedback to proposal
1	reduce speed limit to 20mph	this will form part of the study on the feasibility of a low emission zone
2	change the layout at the A34 roundabout where the A415 passes under it, this would then hopefully prevent the traffic tailback to Marcham whenever there is a problem on the A34	this will form part of the study on the feasibility of a low emission zone
3	reduce the road width around the narrow bends	this will form part of the study on the feasibility of a low emission zone
4	include preferred routes for freight vehicles in a national journey planning data base	Oxfordshire County Council have just signed up to this in the hope of directing freight vehicles away from sensitive areas like Marcham
5	introduce physical traffic calming in Marcham to control speed	this will form part of the study on the feasibility of a low emission zone
6	reduce the road width in Marcham to control speed	this will form part of the study on the feasibility of a low emission zone
7	improve the A415/A338 Frilford junction, to reduce tailbacks into Marcham	this will form part of the study on the feasibility of a low emission zone
8	reclassify the A415 as a B road	this will form part of the study on the feasibility of a low emission zone

There is general acceptance that there is a need to create an AQMA. There are mixed opinions on how far the eastern boundary should extend. There appears to be a good deal of local support for the extension of the area along the A415 and monitoring indicates poor air quality at the kerbside in this area. We have taken account of the views expressed in

the consultation responses and have amended the proposed boundary of the AQMA to the eastern boundary sign for the village. This will have the added benefit of making the AQMA area easily recognisable as the area along the A415 between the east and west village boundary signs. There is widespread support for the measures proposed for consideration to improve local air quality.

NEXT STEPS

Once the order has been approved, the AQMA will need to be publicised and details of the AQMA and AQAP actions will be published on the website.

The details of the declaration of the AQMA, the consultation and the amendments to the district wide AQAP will be forwarded to Defra.

APPENDIX 1: CONSULTEES

Statutory

Oxfordshire County Council
Thames Valley Health Protection Unit
Highways Agency
Environment Agency
Freight Transport Association
Oxford City Council
South Oxfordshire District Council
West Oxfordshire District Council
Marcham Parish Council

Non statutory

Local residents
Abingdon Chamber of Commerce
VVHDC council leader
Marcham district councillor
Marcham county councillor and opposition leader
Cabinet member for Health and Housing
Oxfordshire Rural Community Council



Appendix two

Environment Act 1995 Part IV Section 83(1)

Vale of White Horse District Council

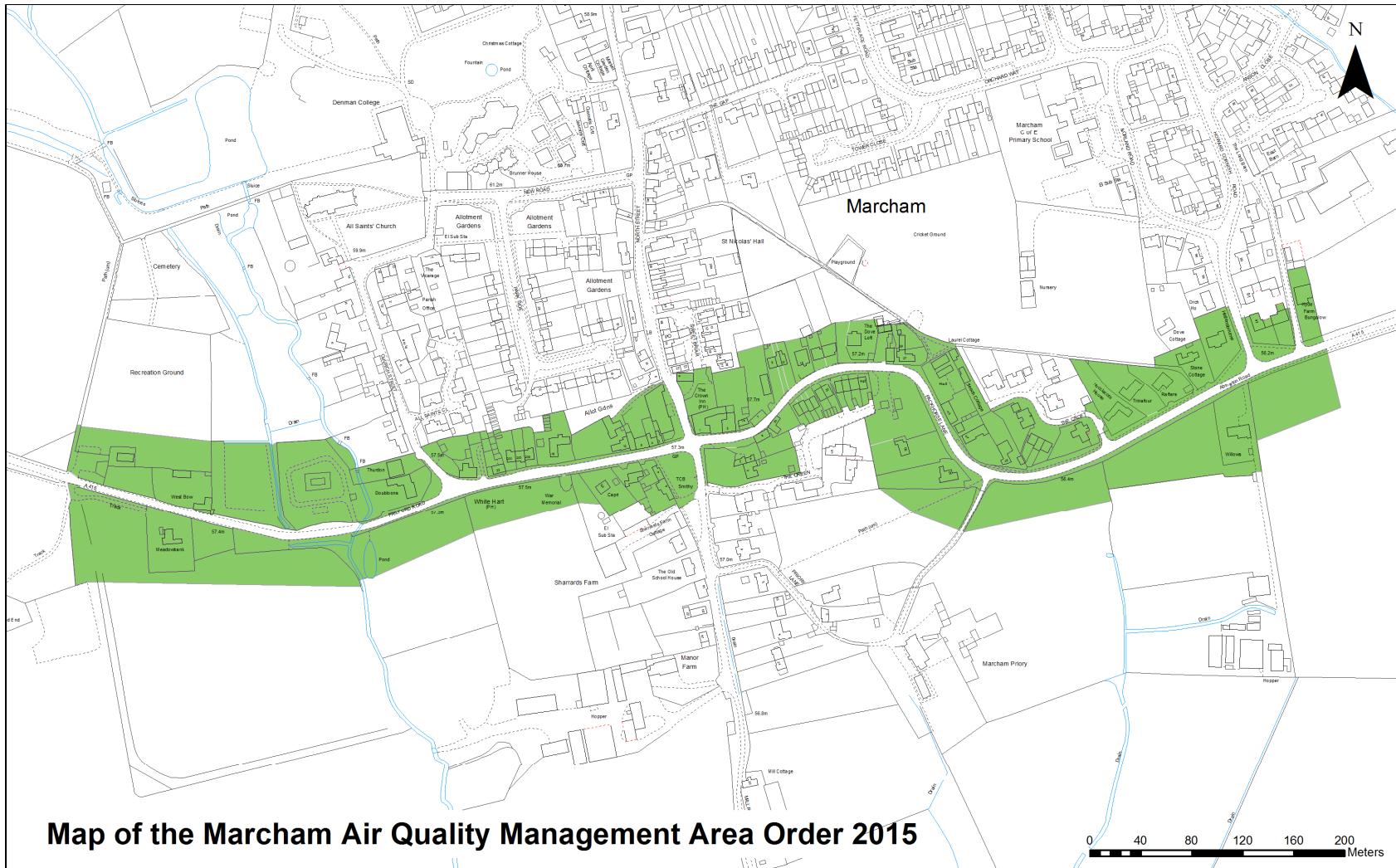
Marcham Air Quality Management Area Order 2015

1. Vale of White Horse District Council in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.
2. This Order may be cited as the Vale of White Horse District Council Marcham Air Quality Management Area Order 2015 and shall come into force on [date].
3. The area shown shaded in green on the attached map (Map of the Marcham Air Quality Management Area Order 2015) is to be designated as an Air Quality Management Area (the designated area). This comprises an area along the A415 and includes part of Abingdon Road, Packhorse Lane and Frilford Road from the western village boundary sign to the eastern village boundary sign, all within the village of Marcham, Oxfordshire.
4. This Area is designated in relation to a likely breach of the nitrogen dioxide (annual mean) Air Quality Objective as specified in the Air Quality (England) Regulations 2000.
5. This Order shall remain in force until it is varied or revoked by a subsequent order.

THE COMMON SEAL of VALE OF
WHITE HORSE DISTRICT COUNCIL
was hereunto affixed on [date]
under the authentication of:

Head of Legal and
Democratic Services
The Officer appointed for this purpose

A copy of this Order and the associated map have been deposited and may be seen, free of charge, at the above mentioned offices during normal business hours

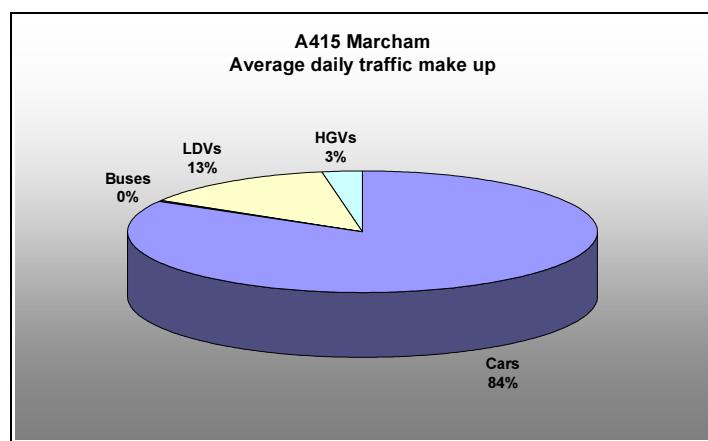


Appendix 3

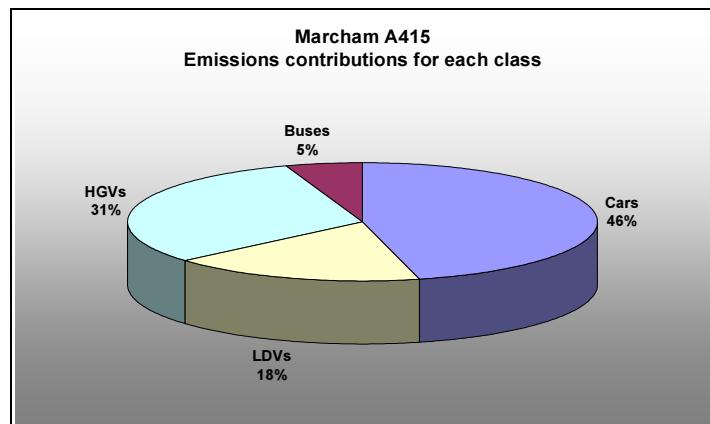
Marcham A415 specific actions

BREAKDOWN OF EMISSIONS AND TARGETS FOR REDUCTION

The predominant road users in Marcham are car drivers which make up 84% of the traffic and 46% of emissions, whilst HGVs make up 3% of traffic and 31% of emissions, buses make up less than 1% of traffic and 5% of emissions. LDVs make up 13% of the traffic and contribute 18% to emissions. This demonstrates the need to target emissions from more than one vehicle class.



A detailed assessment was undertaken in 2014 following recorded exceedances of the objective. The modelling in the detailed assessment indicated that the objective would continue to be exceeded and that an AQMA should be declared. The maximum predicted exceedence is in Packhorse Lane where NO₂ levels of 50µg/m³ are predicted. This is 20% above the objective and a 26% reduction in emissions would be required for the objective to be met.



Area Specific Measures: Marcham

M1) Low emission zone feasibility study

Action	Commission a low emission zone feasibility study to identify further actions to improve air quality in Marcham with a particular focus on HGVs and buses. Part of this study will look at the potential for a low emission zone that would mean vehicles could only enter the area if they meet the required standards.		
Justification	Within the AQMA 36 % of road emissions are attributable to HGVs and buses. The feasibility study would recommend actions to address this.		
Benefits and air quality impacts	The study should identify further actions to reduce NOx, CO ₂ and PM emissions.		
Costs / barriers	<ul style="list-style-type: none"> the study may recommend actions not supported by businesses or that adversely affect the local economy the actions will have cost implications which the council and others will need to consider. 		
Target completion date	Cost	Responsible agency	Measurable impact
2017 funding dependant	LOW: Defra grant funding will be sought	VWHDC	Potential AQ impact: HIGH (if pursued) Study identifies further cost effective actions that the council and others can take to address air quality

M2) Weight restriction limit

Action	Consider with OCC the feasibility of imposing a weight restriction limit on the A415 through Marcham to discourage HGVs and larger vehicles.		
Justification	To reduce emissions from larger vehicles and congestion in Marcham.		
Benefits and air quality impacts	<ul style="list-style-type: none"> • reduced NOx emissions in the sensitive area • reduced CO₂ & PM emissions in the sensitive area • environmental benefits • reduced congestion. 		
Costs / barriers	<ul style="list-style-type: none"> • need to identify a suitable alternative route • may not be acceptable to residents on any proposed new route. 		
Target completion date	Cost	Responsible agency	Measurable impact
2017	LOW	VWHDC/OCC	<p>Potential AQ impact: HIGH</p> <p>Completion of feasibility study</p>

M3) Marcham by-pass

Action	Consider with OCC and local planners the potential for the building of the by-pass proposed for Marcham.		
Justification	To provide an alternative route for the A415 traffic which would improve air quality in Marcham.		
Benefits and air quality impacts	<ul style="list-style-type: none"> • reduced NOx emissions in the sensitive area • reduced CO₂ & PM emissions in the sensitive area • environmental benefits • reduced congestion in Marcham. 		
Costs / barriers	<ul style="list-style-type: none"> • a by-pass has been proposed on road safety grounds but funding has never been found to implement it. Not likely to be funded without significant development in the area. • OCC have defined a preferred route but it is not included in the Vale local plan. 		
Target completion date	Cost	Responsible agency	Measurable impact
Long term objective	High	OCC	Potential AQ impact: HIGH