

Report sponsor: Acting Director of Planning and Transportation
Report author: Head of Traffic and Transport

Air Quality – Reducing NO2 – Update

Purpose

- 1.1 To update Scrutiny Board on progress towards Derby City Council meeting its legal obligation relating to NO2 reduction, at the roadside. This applies where the government minimum modelling has identified exceedance against EU standards.

Recommendations

- 2.1 To note progress and support the Council's Full Business Case to achieve compliance
- 2.2 To support the Clean Air Fund application as part of a package of beneficial measures

Reason(s)

- 3.1 The Council submitted the Full Business Case to government on 26 March, as required by a Ministerial Direction, 18 December 2018

Supporting information

- 4.1 In November 2015 the government selected Derby as one of five cities to lead on air quality improvements, focusing on the reduction of nitrogen dioxide (NO2) from vehicle emissions. The original national plan was to legally mandate the five Local Authorities to implement access restrictions with charges for non-compliant vehicles.
- 4.2 In July 2017 the national plan was revised and the legal mandate removed. Government has continued however, to promote chargeable restrictions as the most effective intervention. Any alternative measure proposed must therefore demonstrate at least the same beneficial impact as a chargeable scheme

The current national Clean Air Strategy can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/770715/clean-air-strategy-2019.pdf

- 4.3 The Council is legally obliged to deliver compliance with the NO2 levels, at the roadside, at the defined points of exceedance and to do this in the shortest possible time. As previously stated any measure proposed must demonstrate it is at least as effective as a chargeable access restriction.

- 4.4 In Derby the modelling, with locally refined traffic data, has established that there is only one point of exceedance, Stafford Street - where the level of NO₂ exceeds 40 micro-grams, per cubic metre of air.
- 4.5 To achieve compliance the Council's preferred option is a complex traffic management scheme to restrict the flow of traffic in Stafford Street and reduce the NO₂ levels to below the legal limit.
- 4.6 This is the scheme that will deliver compliance in the shortest possible time and is directly effective on the area of exceedance. The scheme will also avoid the negative economic impacts associated with chargeable access schemes.
- 4.7 It is a requirement that the Council can demonstrate that the scheme works and that it does not lead to non-compliant NO₂ levels in other streets.
- 4.8 As part of the preferred option there will be a need to implement an advanced dynamic urban traffic management and control system, which will provide a wider benefit on a large section of the inner ring road. The scheme will also require changes to junctions. The biggest change will be to the junction of Uttoxeter Old Road and Ashbourne Road. Concerns about the proposed changes were raised during the public consultation and the detailed design is expected to resolve the key concerns of public transport operators and representatives of cycling groups.
- 4.9 Alongside the preferred option, the Council has also proposed complimentary measures, to be included in the business case submission to government. These measures will be submitted as a bid for funding from the Clean Air Fund. This package includes an expansion of the electric car charging network, the need to support business users and home charging; it also includes a proposal for a local vehicle replacement scheme, and the implementation of a local Mobility Credit scheme. We are also intending to seek support for marketing and campaigning to support the take up of these schemes and the impact of travel behaviour on air quality.
- 4.10 The preferred option and Clean Air Fund measures require the final approval of the Secretary of State. The government will fund all of the measures that are approved.

- 4.11 The Council has met all of the revised deadlines set out in a Ministerial Direction issued on 18 December 2018. The direction set out that the Council must;
- Produce the necessary *final air quality and transport modelling outputs* for the *baseline* and *scenario* modelling, which includes *assessment of all potential displacement routes* and accompanying *financial, commercial* and *management evidence* that feed into the outline business case as soon as possible and by **12 February 2019** at the latest.
 - The *outline business case* must be submitted to the Secretary of State as soon as possible and by **25 February** at the latest.
 - The *full business case* must be submitted to the Secretary of State as soon as possible and by **26 March 2019** at the latest.
- 4.12 The full Business Case, with all of the required technical documents meets all of the tests set by government and following the submission of the Outline Business Case on 25 February, the minister made an advance grant of £4.5m to allow work to continue towards implementation of the scheme to achieve compliance.
- 4.13 The FBC sets out a case for a total of £12,582,904 for the scheme to achieve compliance. The High Court rulings suggest that government will have to fully fund this scheme. In an attempt to achieve wider benefits the FBC also includes a bid for and additional £6,969,993 from the Clean Air Fund. The Clean Air Fund is intended to provide additional health benefits by, providing a Mobility Credit Scheme, expansion of Electric Vehicle Charging infrastructure, and traffic management measures to incentivise the use of low and zero emission vehicles. The Clean Air Fund bid is competitive and subject to a rigorous test. The government can choose how much of the bid elements they want to fund.
- 4.14 It should also be noted that the Council has been investing in cycling and walking over many years and over the last 3 years has been providing at least 5km of new or improved cycle routes across the city. There has been successful work with bus operators to encourage investment in cleaner bus fleets. The Council has published the taxi strategy, which again seeks a clean and low emission taxi fleet. Further work using funding from the Transforming Cities Fund should also provide additional health benefits in terms of active travel and public transport investment.

Public/stakeholder engagement

- 5.1 There has been significant engagement with the public and stakeholders including two public consultations and open public events along with targeted workshops for specific stakeholders such as public transport providers.

Other options

- 6.1 No other options are applicable as the Council is mandated by Ministerial Direction.

Financial and value for money issues

7.1 The tests for value for money are set out in the FBC

Legal implications

8.1 The Council is required to meet all of the legal tests and comply with the Ministerial Direction.

Other significant implications

9.1 Not applicable.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu, Head of Legal Services	4 April 2019
Finance		
Service Director(s)	Verna Bayliss, Acting Director of Planning and Transportation	
Report sponsor		
Other(s)		

Background papers: FBC

List of appendices: