

**Council Cabinet
15 January 2020**



Report sponsor: Rachel North, Strategic Director, Communities and Place

ITEM 10

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Draft Air Quality Action Plan

Purpose

- 1.1 A draft Air Quality Action Plan (dAQAP) has been produced in accordance with Derby City Council's statutory requirements under the Environment Act 1995 and the associated Local Air Quality Management (LAQM) assessment and reporting regime.
- 1.2 The dAQAP provides a list of proposed measures designed to address the main sources of air pollution within Derby City Council's designated Air Quality Management Areas (AQMAs).
- 1.3 It is important to note that the dAQAP measures are distinct from, but complementary to, the measures already proposed under the *Local Plan for Roadside NO₂*, which focusses solely on Stafford Street. The measures in the dAQAP cover a much wider area.
- 1.4 Internal and external stakeholder engagement as well as cross-party political involvement has taken place as part of the AQAP development process.
- 1.5 The dAQAP now needs to go out to public consultation and then, once agreed and finalised, will be submitted to DEFRA for approval.
- 1.6 Once finalised, Departmental ownership of each measure will be required in order to progress delivery of the AQAP, however many of the measures are already contained within relevant work programmes.

Recommendations

- 2.1 To approve the draft Air Quality Action Plan to be sent out for public consultation and determine an appropriate consultation period.

Reasons

- 3.1 Production of an AQAP is a statutory requirement under the Environment Act 1995 in all cases where one or more AQMAs have been declared within the Local Authority's area.

- 3.2 In order to protect the health of the public of Derby from the effects of air pollution and under the Council's commitments to reduce fine particulate matter (PM_{2.5}) under the Public Health Outcomes Framework.

Supporting information

- 4.1 The Local Air Quality Management (LAQM) assessment and reporting regime is prescribed in guidance and policy produced by DEFRA, primarily under the Policy Guidance document (PG16) and Technical Guidance document (TG16). Implementation of LAQM in accordance with the guidance is a legal requirement under the Environment Act 1995.
- 4.2 Local Authorities are required to report annually to DEFRA on air quality in their area. Where concentrations of key air pollutants are exceeding, or are at risk of exceeding, National Air Quality Objectives (AQOs), the Local Authority must declare an Air Quality Management Area (AQMA).
- 4.3 Derby City Council has declared two AQMAs in its area. Both relate to high concentrations of nitrogen dioxide (NO₂) arising primarily from road vehicle emissions and therefore cover the inner/outer ring roads and a stretch of the A52 around Spondon.
- 4.4 Following declaration of an AQMA, the Local Authority is then required to produce an Air Quality Action Plan (AQAP), designed to address/reduce the main sources of emissions within the areas covered by the AQMA.
- 4.5 Unlike the EU Limit Values, the National AQOs are not strictly legally binding limits, however LAs must aim to reduce pollutant concentrations to a level below the Objectives. The production of an AQAP is however a legal requirement.
- 4.6 The first stage of the AQAP design process is to undertake source apportionment assessment work in order to try and determine the main sources of emissions which contribute to the exceedance/s. Measures must then be designed to address the identified primary sources of emissions.
- 4.7 Specialist air quality consultants *Ricardo AEA* were appointed by Derby City Council to undertake the assessment work and assist in drafting the AQAP.
- 4.8 The draft AQAP has been developed taking into account the designated LAQM process of assessment and also the views of a wide range of stakeholders. It has also taken into account the measures being proposed around Stafford Street under the *Local Plan for Roadside NO₂*, with the intention that the measures are complementary and supportive.

- 4.9 The draft AQAP suggests measures for tackling identified NO₂ hotspots (described as Priority 1) and then goes on to include measures around the following main themes (Priorities 2 and 3):
- Modal shift to low emission forms of transport (walking/cycling);
 - Support for low emission taxis;
 - Development of an electric vehicle charging strategy;
 - Supporting sustainable development (through planning policy);
 - Reducing vehicle idling;
 - Managing PM_{2.5} exposure; and
 - Freight emission improvement measures.
- 4.10 Once implemented, the measures should assist in ensuring air pollutant concentrations across the City are reduced both outside and within the AQMAs and will also help to ensure and maintain compliance with the predicted EU Limit Value exceedance along Stafford Street.
- 4.11 The completed AQAP was due for submission to DEFRA in June 2019 and so needs to be completed and issued urgently.

Public/stakeholder engagement

- 5.1 In early 2019 an internal stakeholder group was formed and an inception meeting took place in February 2019. The group included colleagues from Traffic and Transportation, Public Health, Taxi Licensing, Fleet Management, Development Control and Planning Policy amongst others. The group discussed potential measures which the Council could feasibly include within the AQAP, in line with the source apportionment work.
- 5.2 Then in May 2019, a public stakeholder meeting took place in the Council Chamber to discuss the developing AQAP and take the views of relevant partners across the City. The meeting was well attended and included representatives from local bus service providers, taxi trade representatives, local businesses, the NHS, cycling and sustainable travel groups/organisations, green/climate campaign groups and local Councillors.
- 5.3 The draft AQAP is now intended for publication to receive feedback under an 8 or 12 week public consultation exercise (to be determined).

Other options

- 6.1 The production of an AQAP is a statutory requirement under the Environment Act 1995.
- 6.2 The measures outlined in the AQAP are not, however, the only options available for reducing air pollutant emissions within Derby. In theory, there are an almost infinite number of options available for addressing air quality.

- 6.3 The measures outlined in the plan have been long-listed based initially on source apportionment modelling, which is a requirement under the LAQM methodology (TG(16)) assigned to the process for development of AQAPs. They have then been subjected to internal and external stakeholder engagement. Finally, the measures have been short-listed based primarily on their potential contribution to lowering emissions, but also in terms of their practicality and feasibility for delivery.
- 6.4 The list of measures proposed within the AQAP are by no means rigid. They will be subject to possible amendment, removal or addition, during or following, the public consultation exercise. All amendments, removals or additions will however have to be justified in accordance with LAQM guidance, with the primary consideration being the measures' potential to reduce the primary sources of air pollutant emissions within Derby City Council's AQMAs.

Financial and value for money issues

- 7.1 There are no financial implications as a direct result of this report.
- 7.2 All measures proposed under the AQAP have been considered in terms of practicality and feasibility, with cost playing a notable role in this process. The measures are not, however, fully costed and neither has appropriate Council resources been assigned for full delivery of the Plan. Whilst most of the measures can be delivered with existing resources/funding, it is acknowledged that additional resources and funding may be required, and/or funding from other projects with synonymous aims may need to be diverted e.g. Transforming Cities Fund, in order to deliver the Plan in full. As actions emerge, each one will be dealt with separately in terms of gaining the necessary resource and approvals.

Legal implications

- 8.1 Production and submission of the AQAP is a legal requirement under the *Environment Act 1995*.
- 8.2 The requirement for an AQAP is distinct from, but complementary to, the requirements laid out under the *EU Directive on ambient air quality and cleaner air for Europe (2008/50/EC)* and associated *Air Quality Standards Regulations 2010*. Delivery of the AQAP has the potential to assist with compliance with the EU Directive and UK Regulations.

Other significant implications

- 9.1 Due to the prevalence of air quality in the media in recent years, the AQAP could to generate significant public scrutiny. It is important to note however, that failing to produce the AQAP is likely to be met with greater criticism than the criticism that may be levied at individual measures within the draft AQAP.
- 9.2 The dAQAP has been designed following public engagement and it is felt that it incorporates many of the views already offered by stakeholders, including those from both sides of the air quality debate.

9.3 In terms of the modelling used in the assessment which forms the basis of the proposed measures, this was carried out in early 2019. It is worth highlighting that two notable issues have arisen since that time which have the potential to affect the modelling conclusions:

- Firstly, the modelling assumes full delivery of the *Clean Bus Technology Fund*, which had previously secured around £2.5m to retrofit buses from the three main bus service providers in the City. Since this time, only a proportion of the previously proposed retrofits are due to take place, since two of the bus providers pulled out of the scheme and the third decided to retrofit a smaller number than previously proposed, focussing instead on a programme of fleet replacement.
- Secondly, the modelling also assumes emission improvements that would have been secured by the changes to Taxi Licensing Policy proposed under the Council’s Taxi Strategy. In August 2019, the Taxi Licensing Committee did not approve the proposed Strategy. The measures that were approved by the committee effectively pushed back the timescales for compliance with vehicle emissions standards/age. The originally proposed Taxi Strategy intended for the emission standards to apply from 2021, however the now approved Strategy does not require any emission improvements until 2025.

Whilst these two issues have been acknowledged in the report, the existing resources did not allow for an update to the modelling following these changes.

Consequently, it is important to highlight that the results presented in the dAQAP report are not fully reflective of the current situation and it should be acknowledged that the predicted compliance with the National Air Quality Objectives for NO₂ in 2020 may have been pushed back as a result.

9.4 Given this, a case for stronger measures proposed under the final AQAP should be considered.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal	Olu Idowu	29.11.19
Finance	Amanda Fletcher	06.12.19
Service Director(s)	Richard Antcliff	21.11.19
Report sponsor	Rachel North	22.10.19
Other(s)		

Background papers: Draft AQAP
List of appendices: