

Southend-on-Sea Borough Council

Report of the Deputy Chief Executive (Place)
To
Cabinet
On
19th June 2018

Agenda
Item No.

Report prepared by: Carl Robinson Director Public Protection

Adoption of Air Quality Action Plan Cabinet – Cabinet Member: Councillor Flewitt

“A Part 1 Public Agenda Item.”

1. Purpose of Report

To seek adoption by Cabinet of the Air Quality Action Plan (AQAP) (**Appendix 1**) detailing measures to try to improve air quality within the Air Quality Management Area (Southend on Sea Borough Council) (No.1) (**Appendix 2**). The adoption of the AQAP would meet the Council’s statutory duty to develop an Air Quality Action Plan (AQAP) to try to improve air quality within the AQMA.

2. Recommendation

That the statutory duty of the Borough Council as described in the Environment Act 1995 be discharged by accepting and adopting the Air Quality Action Plan for the Air Quality Management Area (Southend on Sea Borough Council) (No 1) Order 2016.

3. Background

- 3.1 Under the provisions of the Environment Act 1995, all Local Authorities are required to undertake a review and assessment of air quality within their area. This is to determine the likelihood of complying with prevailing health-based air quality objectives for a number of pollutants.
- 3.2 The air quality limit values for the protection of human health have been set by two EU Air Quality Directives 2008/50/EC and 2004/107/EC. These were transposed into UK law via the Air Quality Standards Regulations 2000.
- 3.3 The UK Air Quality Strategy, Policy and Technical Guidance provides the overarching themes for local air quality management in the UK. Local authorities that identify a breach of any of the air quality objectives in their area are required to formally declare an Air Quality Management Area. Once declared the authority has a duty under Section 84(2) of the Act to produce an Air Quality Action Plan to improve air quality.

- 3.4 The National Air Quality Strategy details the Government's proposals for tackling air quality on a national basis and sets out equivalent Air Quality Objectives (AQOs)
- 3.5 In order to effectively discharge duties under the Local Air Quality Management regime the Council is required to report on air quality in the Borough to DEFRA. This function is undertaken by Regulatory Services.
- 3.6 Where there are exceedences in the air quality objectives the Council must declare an Air Quality Management Area (AQMA). Once declared the Council is then required to develop an air quality action plan (AQAP) which must be accepted by DEFRA as being adequate to bring the AQMA into compliance.
- 3.7 The UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations 2017 predicts that by the year 2028 all national zones, which will include the main routes in Southend will be compliant for nitrogen dioxide.
- 3.8 Regulatory Services will continue to ensure that ambient air quality is monitored after the implementation of the AQAP and will report regularly on progress. This will be through the formal reporting process to DEFRA and via the Council's Corporate Priority 1819 PLACE PPC03.
- 3.9 There is one Air Quality Management Area (**Appendix 1**) within Southend, which was declared on 7th November 2016. It was designated in relation to likely breaches of the Nitrogen Dioxide (NO₂) Annual Mean Objective as specified in the Air Quality Regulations 2000.
- 3.10 Taking action to improve air quality is crucial in order to improve the health of the population. There is growing evidence that air pollution is a significant contributor to preventable ill health and early death.
- 3.11 There are over 700 AQMA's declared in the UK, 90% of the AQMA's are related to traffic emissions. In the Essex area there are AQMA's in Rochford (including Rayleigh Town Centre), Chelmsford, Epping Forest, Thurrock, Brentwood, and Uttlesford.
- 3.12 The main source of air pollution in the Borough is road traffic emissions from major roads, notably the A13, A127 and A1159. Other pollution sources including commercial, industrial and domestic sources also make a contribution to background pollutant concentrations.

3.13 **Current Position**

The DEFRA Technical Guidance required the Council to develop an Air Quality Action Plan to take measures to try to improve the air quality within the Air Quality Management Area (Southend on Sea Borough Council) (No. 1) within one year of the designation of the AQMA.

- 3.14 Nationally the most immediate air quality challenge is tackling the exceedences of nitrogen dioxide (NO₂) concentrations around roads. This is the only statutory air quality objective the UK is currently failing to meet.

3.15 There has been extensive consultation on the AQAP which has delayed its formal implementation within the year. There are, however, measures already in place to improve air quality including consideration of re-engineering proposals around The Bell interchange.

3.16 **The Action Planning Process**

Action planning is an essential part of the local air quality management process, providing a practical opportunity for improving air quality in areas where review and assessment has shown that national measures will be insufficient to meet one or more the air quality objectives. The AQAP should and does include the following:

- Quantification of the source contributions to the pollution burden for example by vehicle categories. This allows action plan measures to be targeted more effectively.
 - Evidence that available options have been considered on the grounds of cost, feasibility and potential scale of impact.
 - Quantification of expected improvement in air quality.
 - Confirmation of how the Council will discharge its powers and also work in partnership with other stakeholders in pursuit of the relevant air quality objective.
 - Clear timescales within which the authority and other stakeholders propose to implement the various measures contained in the plan.
 - Quantification of the expected impacts of the proposed measures, and where possible, an indication as to whether these will be sufficient to demonstrate compliance with the objective/s.
 - Identification of how the Council intends to monitor and evaluate the effectiveness of the plan.
 - Prompt the formation of a Steering Group to enable and drive forward all of the above.
- 3.17 The emphasis of AQAPs should be to firstly, develop measures that will provide the necessary emissions reductions to achieve the air quality objectives and secondly, to act as a live document which can be periodically reviewed and developed to ensure current measures are progressing and new measures are brought forward. Timescales for the actions are detailed in the AQAP.
- 3.18 The AQAP has been written to incorporate the following priority work areas:

- Southend Intelligence Hub – SMART City Journey and Digital Strategy;
- Strategic Planning and Transport Policy;
- Public Health and Raising Awareness;
- Land Use Planning and Development Control;
- Sustainable Innovation;
- Low Emission Air Quality Strategy (LEAQS);
- Community Engagement.

4. Other Options

The Local Authority has a statutory duty to develop an AQAP where an AQMA has been declared.

5. Reasons for Recommendation

The Council has a statutory duty to try to improve air quality in the Borough through the development of an AQAP.

6. Corporate Implications

6.1 Contribution to Council's Vision & Corporate Priorities

The vision of the Council is to 'Create a Better Southend' supported by the five corporate aims of a Clean, Safe, Health and Prosperous Southend, led by an Excellent Council. The implementation of the AQAP to improve air quality will have a positive impact on vulnerable groups, providing a clear focus for the actions outlined in the AQAP. There is no known negative impact to the priorities of the Council.

6.2 Financial Implications

The AQAP consists of existing initiatives as well as new actions. Implementation of most of these actions will incur no additional costs as the funding will be met by existing budgets. Those actions identified as new will be met through securing new (National/European) funding streams.

6.3 Legal Implications

The Council has a statutory duty to review air quality in the Borough and to take action in line with DEFRA Technical Guidance (TG) 16. Where an AQMA has been designated an AQMA the local authority must develop an AQAP to try to improve air quality with the AQMA.

6.4 People Implications

None

6.5 Property Implications

None

6.6 Consultation

6.6.1 Stakeholder consultation is a fundamental aspect of Local Air Quality Management, and a legal requirement under Schedule 11 (s90) of the Environment Act 1995. The action plan has undergone two rounds of formal consultation.

6.6.2 The consultation process should be collaborative based and provide the way to better prepare and develop the action plan. It provides participants and, importantly, the public, with the information they need to contribute in a meaningful and constructive way.

6.6.3 The public health effects of poor air quality are well documented and DEFRA expect the highest level of support across the local authority (e.g. Chief Executive and Council level) to ensure all parts of the local authority are working effectively together.

6.6.4 Internal Stakeholders Consulted:

- Strategic Transport Policy;
- Public Health;
- Planning and Development Control;
- Energy and Sustainability;
- Procurement;
- Economic Development;
- Members.

External Stakeholders Consulted:

- Transport Companies;
- Key Freight Operators;
- Key Local Businesses ;
- Local Environment/Transport Group;
- Chambers of Commerce ;
- Local Community Representatives and Residents;
- DEFRA;
- Essex Las;
- Residents within the AQMA.

6.6.5 The action plan underwent a full 12 week consultation between November 2017 and January 2018. Following review of the feedback the action plan was circulated for a second (4 weeks) round of consultation which finished on 1st June 2018. The feedback from both consultations can be viewed in Appendix B of the action plan attached.

6.6.6 DEFRA have accepted the proposed Air Quality Action Plan.

6.6.7 If not already implemented or being considered, reasonable suggestions will be assessed on their deliverability and feasibility. These will be included in future reviews of the action plan to be completed at least once a year.

6.6.8 The Steering Group will be chaired by the Director of Public Health and include inter alia, a Transport Planning Policy Engineer, Air Quality Specialist and a relevant Portfolio Holder (tbc).

6.7 Equalities and Diversity Implications

The Equalities Impact assessment has not identified any actions.

6.8 Risk Assessment

At high concentrations NO₂ is an irritant that can cause inflammation of the airways and the delay in the declaration and implementation of an air quality action plan is a risk to the health of residents within the AQMA.

Failure to meet or strive towards the air quality objective is a breach of European Union law and fines may be imposed by the EU on the UK. DEFRA have issued a policy statement with respect to Part 2 of the Localism Act 2011 indicating that if fines were to be imposed by the EU and the local authority was responsible for permitting the breach, the authority could be required to pay the full cost.

6.9 Value for Money

A joint application was made by Southend, Rochford, Colchester and Chelmsford local authorities and Essex County Council for Clean Bus Technology funding. An award of £1.2M was made in December 2017.

The new measures contained within the AQAP will be fully costed in line with financial requirements.

6.10 Community Safety Implications

None

6.11 Environmental Impact

Air pollutants from transport include nitrogen oxides, carbon monoxide, hydrocarbons and particulates, all of which have a damaging impact on the health of fauna and flora.

7. Background Papers

DEFRA Technical Guidance (TG) 16 April 2016;
DEFRA Policy Guidance (PG) 16 April 2016;
2017 Air Quality Annual Status Report for Southend on Sea Borough Council
Cabinet Report confirming the AQMA on 20th September 2016 (Minute 276 refers) and noted at Council on 20th October 2016 (Minute 400 refers).
Consultation Responses

8. Appendices

Appendix 1 Air Quality Action Plan;