

<b>Subject:</b>	<b>Response to the government consultation on Air Quality</b>		
<b>Date of Meeting:</b>	<b>27 June 2017</b>		
<b>Report of:</b>	<b>Executive Director Neighbourhoods Communities and Housing Executive Director Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Annie Sparks Samuel Rouse</b>	<b>Tel: 01273 292436</b>
	<b>Email:</b>	<a href="mailto:annie.sparks@brighton-hove.gcsx.gov.uk">annie.sparks@brighton-hove.gcsx.gov.uk</a> <a href="mailto:samuel.rouse@brighton-hove.gcsx.gov.uk">samuel.rouse@brighton-hove.gcsx.gov.uk</a>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 Under the provisions of Part IV of the Environment Act 1995 the local authority has a statutory duty to review and assess air quality in their area, and determine whether the national air quality objectives are likely to be achieved.
- 1.2 The most immediate air quality challenge is tackling the problem of nitrogen dioxide (NO<sub>2</sub>) concentrations around roads and this is the only statutory air quality obligation that the UK is currently failing to meet.
- 1.3 On the 5<sup>th</sup> May 2017 the Department for Environment Food and Rural Affairs (defra) and the Department for Transport (DfT) published a draft plan to improve air quality by reducing nitrogen dioxide levels in the UK.
- 1.4 The consultation for the draft UK Air Quality Plan for tackling nitrogen dioxide ('Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities') had a deadline of the 15<sup>th</sup> June 2017. The timetabling of this short consultation period has prevented the final consultation document being reported to Committee prior to the consultation deadline, and subsequent submission to the government's Joint Air Quality Unit. The government has been seeking views on these proposals in advance of preparing its final plan for publication by 31 July 2017.
- 1.5 The options open for consultation on reducing nitrogen dioxide in our towns and cities are designed to reduce the impact of diesel vehicles, and accelerate the move to cleaner transport. Nationally road transport is responsible for 80% of oxides of nitrogen concentrations at roadside.
- 1.6 Local authorities already have a statutory responsibility for improving air quality in their area, but this draft action plan suggests that local authorities will now be

expected to develop new and creative solutions to reduce emissions as quickly as possible, while avoiding undue impact on the motorist.

## **2. RECOMMENDATIONS:**

- 2.1 That the Committee retrospectively approve the officer response set out in Appendix 1, which was submitted to the government on behalf of the council in response to the consultation on the government's draft 'Improving Air Quality : National Plan for tackling nitrogen dioxide in our cities'.
- 2.2 That the Committee note that, subject to the anticipated publication of a final National Air Quality Plan later this year, that a further report may be required in order to consider its implications and the progress made locally in addressing local air quality levels.

## **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 The statutory Local Air Quality Management (LAQM) process places an obligation on all local authorities to regularly review and assess air quality in their areas, and to determine whether or not the air quality objectives are likely to be achieved. Where an exceedance of an objective is considered likely the local authority must declare an Air Quality Management Area (AQMA) and prepare an Air Quality Action Plan (AQAP) setting out the measures it intends to put in place in pursuit of the objectives.
- 3.2 Brighton & Hove City Council is compliant with all pollutants listed in the national Air Quality Strategy (AQS) with the exception of nitrogen dioxide (NO<sub>2</sub>). The council first declared an Air Quality Management Area (AQMA) for NO<sub>2</sub> in 2004. The two current AQMAs for NO<sub>2</sub> were declared in 2013 and include Brighton & Hove Centre connected with South West Portslade and Rottingdean High Street is a smaller separate AQMA. Of the 543 AQMAs in England 503 ( 93%) are for NO<sub>2</sub>.
- 3.3 In 2016 the LAQM system across the UK changed and adopted a new streamlined approach which places greater emphasis on action planning to bring forward improvements in air quality and to include local measures as part of EU reporting requirements. It also introduced an air quality Annual Status Report (ASR) which requires local authorities to report and appraise their air quality monitoring and modelling results and also review progress on the measures to improve air quality identified in their AQAP. The main emphasis in an ASR should be on those pollutants shown to be challenging in respect of compliance and these being Nitrogen Dioxide (NO<sub>2</sub>), Particulate Matter (PM<sub>10</sub>). The updated 2016 LAQM regime also introduced a new role for local authorities to work towards reducing levels of PM<sub>2.5</sub>.
- 3.4 The 2017 ASR for Brighton & Hove is currently being prepared and includes all the 2016 monitoring and modelling results. This will be submitted to defra by the end of June 2017. When preparing this year's ASR reference has also been made to the new March 2017 defra publication 'Air Quality: A Briefing for Directors of Public Health'. This consultation document relates to nitrogen dioxide.

- 3.5 Continuous automatic monitoring of nitrogen dioxide continues to be done in North Street and Lewes Road in Brighton to monitor the current NO<sub>2</sub> exceedance. The target of 40µg/m<sup>3</sup> is the EU and UK standard for nitrogen dioxide. Monitoring results on North Street represent an improvement compared to previous periods and the current level is 47.1µg/m<sup>3</sup>, while on Lewes Road the level is 46.2µg/m<sup>3</sup>.
- 3.6 The government's consultation document includes a number of measures and options that local authorities could consider and introduce so that they can deliver improvements in a way that best meets the needs of their communities and local businesses. These include:-
- a. Exploring innovative retrofitting technologies and new fuels;
  - b. Buying ULEVs and encouraging local transport operators to do the same;
  - c. Encouraging private uptake of ULEVs via ensuring adequate chargepoints;
  - d. Encouraging use of public transport, cycling, walking, park and ride schemes, and car sharing;
  - e. Improving road layouts and junctions to optimise traffic flow, for example by considering removal of road humps;
  - f. Working with local businesses and neighbouring authorities to ensure a consistent approach; and
  - g. Charging certain types of vehicles to enter or move within the zone.
- 3.7 Delivery of these measures is spread across a number of stakeholders, not just local authorities, and this includes industry and vehicle manufactures, DfT and Defra.
- 3.8 The officer consultation response was a structured response answering 8 questions and these are detailed in Appendix 1. This section of the report covers the main points addressed in the responses.
- 3.9 Many of the existing measures detailed in the draft Air Quality Plan, such as retrofitting emission-reduction equipment to taxi and bus fleets, low emission zones, and educational anti- idling campaigns are already in the City's AQAP and delivery of some of these measures has relied on awards from central government including the Clean Bus Transport Fund. The concern is that funding will be redirected to the proposed new Clean Air Zones (CAZs).
- 3.10 There will initially be five cities required to have a CAZ, but not including Brighton & Hove. The concern is that these CAZs have been assessed and required using the national nitrogen dioxide monitoring and modelling data and not the data captured locally by local authorities and used as part of the process to declare the City's AQMA, and required as part of the statutory LAQM process.
- 3.11 The technical report informing the draft UK Air Quality Plan 'Improving air quality in the UK :Tackling nitrogen dioxide in our towns and cities' (Dec 2015 and revised 18 January 2016) continues to report nitrogen dioxide levels nationally in agglomerations. Brighton & Hove is part of the Brighton/Worthing /Littlehampton agglomeration (ref UK0010) covering 5 local authorities. The nitrogen dioxide data informing this technical report is from the national air quality monitoring station in Preston Park in the City and not representative of the true picture of

higher NO<sub>2</sub> levels in the affected areas and the monitoring and modelling results captured and reported in the City's Annual Status Reports.

- 3.12 The concern is that the national technical report informing this draft UK Air Quality Action Plan is not representative, but it is this national report and not the Annual Status reports that is defining the direction of funding opportunities to deliver measures eg CAZs. However, it is important to recognise that CAZs alone may not be enough to achieve rapid results, and other air quality measures outside of transport are also necessary.
- 3.13 When determining arrangements for a CAZ it is not just local businesses where impact needs assessing and understanding but also the impact on all transport operators e.g lorry fleets, Public Transport Providers (buses, coaches and taxis) and also the local population including residents. Those people, companies and operators who work nationally will benefit from a degree of consistency in the operation of CAZ restrictions, so that they are able to decide to enter any CAZ without charge rather than having to plan for different restrictions, or make rapid decisions when driving.
- 3.14 The draft National Air Quality Plan does not address policy and proposals around reduction in travel nor make reference to the significant impact that could be achieved in the short-term through a reduction in the number of vehicular kilometres that are driven. The development of a National Air Quality Plan would therefore be strengthened if it was being considered as part of a UK Transport Strategy. Greater emphasis could also be placed on changes and more integration in planning and transport policy. The Planning process must be able to address the delivery of transport infrastructure to meet the needs for, and mitigation of the impacts of, development.
- 3.15 The government should utilise evidence and information provided in local AQAPs, Annual Status Reports, and Local Transport Plans to inform how funding can be targeted to support local communities to cut air pollution.
- 3.16 Funding provided by central government can be very defined and restricted in how it is allocated and spent. There is a need for local authorities to have greater flexibility for managing funding received and thereby target local needs, ensure value for money and achieve fast and effective delivery.
- 3.17 Applications and allocations of funding from central government often involve short timescales and requires fast delivery and implementation. However, this sometimes conflicts with procurement rules in relation to State and European funding rules, and also local authority financial rules and standing orders, including restrictions on carry over arrangements.
- 3.18 The council's current AQAP includes measures and interventions and funding to deliver these is still needed and funding opportunities should not just focus on funding for new measures.
- 3.19 AQMAs are a good way of targeting funding to support local communities to cut air pollution but there needs to be greater consistency in relation to the statutory process for assessing and declaring an AQMA. The number of AQMAs does not represent the true picture of nitrogen dioxide exceedances. Some local

authorities tightly define the areas of exceedance and will have a number of AQMAs representing and defining these. Other local authorities will declare their whole administrative area regardless of where the exceedances exist.

- 3.20 As the focus on fuels continues to move towards measures delivering electric vehicles [EV] and hydrogen fuel cells, it is important that funding opportunities address infrastructure demands and needs. Again as technology around electric and hydrogen fuel cells develops to consider funding opportunities that enable fleet operators to buy new rather than focus on adapting and retro fit schemes
- 3.21 Policy delivery (and its performance/progress) clearly needs to be an evidence-based approach. In recent years funding opportunities have moved towards delivery of action plans and measures and away from funding to provide air quality monitoring and modelling evidence to inform decisions around measures to be implemented.
- 3.22 Reducing harmful exhaust emissions and developing new vehicle technologies can help improve air quality, but the most immediate way to tackle air pollution would be to reduce the number of vehicle kilometres travelled by motorists. In part, this can be achieved by increased use of public transport (the benefits of which would be even greater if those vehicles were low- or zero-emission from the exhaust pipe), in addition to a shift to walking and cycling for some journeys. The latter requires behavioural change through other means that can change habits and encourage a shift to more active travel. For example, one less regular weekday journey to work by car equates to a 20% reduction in emissions. Therefore the focus should not just be on vehicle purchase.
- 3.23 An effective public education and publicity strategy is vital in achieving awareness and acceptance of the need to change behaviour to achieve better air quality. Engagement with the public is also key. For example, advice to the general public and businesses could also include education on acceleration and deceleration which can be a greater source of exhaust and no-exhaust emissions than idling.
- 3.24 In January 2016 the city council was awarded £500,000 by the Department for Transport to provide catalytic convertor technology to 23 Euro III and Euro IV buses. These are all buses that have routes through the city's (bus-based) Low Emission Zone. Some of this funding is being utilised to work with bus partners to move from diesel buses to electric buses. These are already being trialled in parts of the City. Work has also started to explore the use of electric taxis. This work will result in zero emission vehicles.
- 3.25 £195,000 was also allocated by the Department for Transport to design and fit catalytic convertor technology to the City's taxi fleet.
- 3.26 Work has started with our partners at Sussex Air to develop an anti idling engine campaign with the focus being around schools.

- 3.27 Tackling traffic-related pollution levels in the city's Air Quality Management Areas remains a high priority. Following the consideration of a number of public representations about the impacts of traffic and air quality in Rottingdean High Street in 2016, this committee agreed to develop options for a scheme in liaison with the Parish Council and ward councillors. In 2017, the council allocated £40,000 within its Local Transport Plan 2017/18 capital programme to deliver a minor traffic management scheme in Rottingdean Village to help reduce harmful emissions in the High Street.
- 3.28 In 2016, the council produced a business case for an 'Invest to Save' project involving the application of new energy efficient LED lighting technologies and other SMART City technologies. It included reference to the possible use of sensors mounted on lighting columns which could help with the monitoring and reporting of air quality, which will be explored further in due course.
- 3.29 Technology and innovation can play a big part in managing traffic and influencing travel decisions to improve air quality. For example, it can help reduce harmful emissions in local areas by the greater use of electric and other or ultra-low emission vehicles. Using intelligent transport systems (often referred to as ITS) can:-
- reduce delays to traffic or people; or
  - prioritise certain vehicles or movements; or
  - improve travel information.
- 3.30 It can also help reduce some of the impacts that essential journeys can have on our daily lives and the economy. This can include traffic signals, signs or cameras. The council is already investing heavily in this type of infrastructure within the city as part of its LTP capital programme, and has plans to do more, in order to maximise the benefits that it can bring.
- 3.31 Since 2015, a bus-based Low Emission Zone [LEZ] has been in operation in the North Street/Western Road corridor. Further opportunities will be explored to maximise the benefits of the LEZ initiative in due course.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The 2015 AQAP and the latest 2017 Annual Status Report for Air Quality sets out priorities for nitrogen dioxide improvement in future years and informs the Local Transport Plan.
- 4.2 As the deadline for responses to the consultation was 15 June, it has not been possible to enable a draft response to be prepared and considered during the usual cycle of committee meetings and therefore in advance of that date.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 The City's Air Quality Action Plan went through a comprehensive consultation process, and Committee approval in 2015.
- 5.2 The consultation response to the draft UK Air Action Plan has been compiled with colleagues in Transport and Public Health, and thereby ensuring that

together the impacts on public health, the environment and the economy are considered.

- 5.3 Defra has recently set up a Local Authority Advisory Group to consider air quality issues of national importance including NO<sub>2</sub> compliance in towns and cities. The Council has been invited to be part of this national group.

## 6. CONCLUSION

- 6.1 The officer response to the consultation for the draft UK Air Action Plan for tackling nitrogen dioxide ('Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities') was submitted to defra by the deadline of the 15th June 2017. The timetabling of this short consultation period has prevented the final consultation document being reported to Committee prior to the consultation deadline, and subsequent submission to the government's Joint Air Quality Unit. The government has been seeking views on these proposals in advance of preparing its final plan for publication by 31 July 2017.
- 6.2 Subject to the anticipated publication of the final National Air Quality Plan further reports may be required to consider the implications and the progress made locally in addressing local air quality levels.

## 7. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 7.1 There are no direct financial implications associated with the Council's response to this consultation. Once and if a UK Air Quality Plan is published then any financial implications will need reassessing.

*Finance Officer Consulted: Monica Brooks*

*Date: 15/06/17*

### Legal Implications:

- 7.2 As detailed in this report local authorities have a responsibility for improving the air quality in their area. The consultation on the draft UK air quality plan for tackling nitrogen dioxide proposes that local authorities will be given clear legal duties to develop and implement clean air zones in towns and cities in England where action is needed. The recommendation in this report retrospectively to approve the officer response to the consultation will assist in demonstrating that the Council will be in a position to comply with the proposed duties.

*Lawyer Consulted: Stephanie Stammers*

*Date: 14/06/17*

### Equalities Implications:

- 7.3 An Equalities Impact Assessment was undertaken for the 2015 Air Quality Action Plan. This included an Communities Insight Report.

### Sustainability Implications:

- 7.4 The impact of the proposals in the draft National Air Quality Plan will not be detrimental to carbon emissions and climate change.

### Public Health Implications:

- 7.5 Air pollution damages lives and is an important public health issue. Improving air quality will have positive short and long term health benefits. Short and long-term health effects of air pollution include worsening the health of those with cardiovascular and respiratory disease; infants; aggravating asthma and in the longer term; reducing life expectancy at a population level. Some people with cardiovascular and respiratory diseases, especially older people, can be adversely affected by day-to-day changes in air pollutants, including an increased risk of hospital admission and death.
- 7.6 In Brighton & Hove, it is estimated that 5.1% of adult mortality (aged 30+) is attributable to long term exposure to particulate air pollution (this is similar to the England average).
- 7.7 Much of the evidence on the health impacts of air pollution relates to PM (particulate matter). In recent years, evidence related to the health impacts of NO<sub>2</sub> has strengthened.
- 7.8 NO<sub>2</sub> is a respiratory irritant that can cause inflammation of the airways and studies have shown associations of NO<sub>2</sub> in outdoor air with reduced lung development and respiratory infections in early childhood and effects on lung function in adulthood. A number of studies have reported associations with long-term exposure to NO<sub>2</sub> and adverse effects on health, including reduced life expectancy, and a national report will be published later this year that will appraise and summarise the latest evidence.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Consultation response to the draft UK Air Quality Plan for tackling nitrogen dioxide ('Improving air quality in the UK: tackling nitrogen dioxide in our towns and cities')

### **Documents in Members' Rooms**

1. Draft UK Air Quality Plan for tackling nitrogen dioxide

### **Background Documents**

1. None