

REPORT TO SCRUTINY COMMITTEE - PLACE

Date of Meeting: 8 September 2016

Report of: Environmental Health and Licensing Manager

Title: Local Air Quality Management

Is this a Key Decision?

No

Is this an Executive or Council Function?

Executive

1. What is the report about?

To update Members on the Council's duties and activities relating to local air quality management.

2. Recommendations:

That Scrutiny Committee – Place:

- 1) notes the most recent measured air quality data and actions to reduce traffic emissions;
- 2) supports the development of an updated Air Quality Action Plan covering the Greater Exeter area to fulfil air quality objectives, to reduce health effects of poor air quality and to inform the development control process;
- 3) supports wider community engagement in air quality matters; and
- 4) acknowledges that alteration or expansion of the current monitoring network might be required in future, particularly to include measurements of PM_{2.5} or a proxy substance.

3. Reasons for the recommendation:

Action on local air quality is a legal duty placed upon the Council (and all district and county councils) by Part IV of the Environment Act 1995. Safeguarding air quality will help reduce any detrimental effects from air pollution on the health and wellbeing of Exeter's population.

The effects of local air pollution on health are undisputed, with the young, the elderly and those with existing medical conditions being particularly vulnerable. Modelling by Public Health England estimates that the equivalent of 42 lives per year could be saved in the city, if particulate air pollution (these are minute particles suspended in the air, e.g. from exhaust pipe emissions, brake dust, industry and in some cases the natural environment) were removed altogether. If the health effects of nitrogen dioxide were included as well, this figure is likely to be higher still.

In Exeter, the main source of local air pollution is from traffic. The areas most affected are those beside busy roads with queuing traffic, where the houses are close to the kerbside. Those that live in these specific areas are more affected by poor air quality.

Measured levels of nitrogen dioxide in Exeter have declined since around 2009, which is a similar trend to many other parts of the country. However, levels in the worst affected parts of the city still exceed the objective. In addition, particulate matter, whilst not unusually high in Exeter, may still have adverse health effects even though falling below the objective threshold level. Therefore, further reductions in particulate concentrations are important and beneficial. No direct measurements of PM_{2.5} are currently made in Exeter, and unfortunately the equipment we use to measure PM₁₀ no longer meets the latest standards.

Measures to improve air quality require multi-lateral action by the travelling public, businesses, Devon County Council (as the Highways Authority) as well as by Exeter City Council, and some such measures have been implemented in the past year. Successful engagement with stakeholders and increasing the profile of traffic-related air pollution as a localised issue of concern will be important in determining the effectiveness of any future measures implemented. Work in this area will also need to be co-ordinated with Exeter City Futures.

4. What are the resource implications including non financial resources.

The updated Air Quality Action Plan (AQAP) and community engagement work will be delivered within existing resources. Additional monitoring would have a capital cost and ongoing maintenance costs, which will be presented once a monitoring strategy for the city has been developed as part of the updated AQAP. Software may also be required to model air quality emissions and concentrations of pollutants, in order to evaluate the impact of potential action plan measures. This could be in the form of a capital bid to upgrade the existing expired software licence, or a revenue cost for a new annual license.

5. Section 151 Officer comments:

There are no additional financial implications arising from the report. Any bid for capital funding will be considered at the appropriate time against other priorities and in light of the Council's financial position.

6. What are the legal aspects?

Part IV of the Environment Act 1995 sets out statutory provisions on air quality. Section 82 provides that local authorities shall review the air quality within their area. Section 83 requires local authorities to designate Air Quality Management Areas (AQMAs) where air quality objectives are not being achieved, or are not likely to be achieved (i.e. where pollution levels exceed the air quality objectives) as set out in the Air Quality (England) Regulations 2000. Where an area has been designated as an AQMA, section 84 requires local authorities to develop an Air Quality Action Plan (AQAP) setting out the remedial measures required to achieve the air quality standards for the area covered within the AQMA. Where air quality issues have been identified, it is recommended that a steering group is formed to include the main parties involved in developing either Action Plans or Air Quality Strategies. The Department for Environment and Rural Affairs has recently provided new statutory

guidance in the form of the Local Air Quality Management Policy Guidance (PG16). The guidance gives particular focus to so-called 'priority pollutants' such as Nitrogen Dioxide (NO₂) and so-called 'Particulate Matter' (PM₁₀ and PM_{2.5}) and is relevant to both district and county councils. Local Authorities are required to submit an Annual Status Report (ASR) to the Department for Environment, Food and Rural Affairs (Defra) in order to report on progress in achieving reductions in concentrations of emissions relating to relevant pollutants below air quality objective levels. The completed report is submitted to the Secretary of State (Defra) for consideration. Comments are to be provided back to the local authorities which are expected to 'have regard' to those comments.

7. Monitoring Officer's comments:

The legal obligations imposed under Part IV of the Environment Act 1995, secondary legislation and statutory guidance must be complied with.

8. Report details:

The City Council compares measured levels of pollution to national objectives every year. The 2016 Annual Status Report contains the 2015 data. This concludes that concentrations of nitrogen dioxide have fallen since 2009, and that concentrations of other pollutants remain stable. There is evidence of a similar fall in nitrogen dioxide nationally and so whilst local factors may have contributed to the trend it is not likely to have been caused by local changes. It is possible however to say that this trend has appeared locally despite significant growth in the wider area, which would tend to put pressure on air quality. The fact that this development has so far been achieved without a significant impact on air quality is positive news. The 2016 Annual Status Report can be viewed on the air quality pages of the council's website.

Exeter City Council declared an Air Quality Management Area (AQMA) in 2007 (amended 2011) because levels of nitrogen dioxide (NO₂) exceeded objective levels at some locations. The area covers all of the main traffic routes in the city. Concentrations of NO₂ are highest beside busy roads and studies have shown traffic emissions along congested routes are the main cause.

The City Council has a duty to produce an Air Quality Action Plan (AQAP) to identify measures that will work towards resolving the exceedance of the air quality objectives within the Air Quality Management Area, and reduce exposure to fine particles (PM_{2.5}). Exeter's current Air Quality Action Plan was published in 2011 and will be updated in 2016. Measures implemented recently that will reduce traffic emissions are listed in the Annual Status Report. Some key successes include tighter hackney carriage emissions standards, the new Newcourt and Cranbrook railway stations, and the expansion of car clubs. Further information is available in the report, which can be downloaded from www.exeter.gov.uk/airpollution.

A Steering Group has been set up to help produce the new Action Plan from 2016. The group first met in June and contains representatives from Exeter City Council, Teignbridge District Council, East Devon District Council, Mid Devon District Council, Devon County Council, Public Health England, Exeter City Futures, the Exeter Chamber of Commerce and Exeter University. The group strongly supported work across local authority boundaries, for example looking at the wider Exeter travel to work area. Greater community engagement was seen as key to success of the plan,

particularly using measurements of personal exposure to air pollution in Exeter as a means of raising public awareness and explaining how individuals can take action to reduce their exposure.

Following the first Steering Group meeting, sub groups have been created for particular area of work. These are community engagement, personal exposure projects, measures that could be implemented by the district councils and measures from Devon County.

An Air Quality Action Plan is relevant guidance for Development Control, since development should not conflict with implementation of the plan. A sub group will also be created to look specifically at development guidance. This will include examples from other authorities where developers are required to show that they have spent a sum of money on air quality mitigation measures that is commensurate with the harm caused by emissions from the development.

The Steering Group is also reviewing monitoring data from Exeter and will produce a monitoring plan. This will ensure that the air quality monitoring network in the city remains fit for purpose in monitoring relevant trends, and testing the impact of action plan measures and traffic management changes.

The outcome of the steering group, including the revised Air Quality Action Plan will be presented to Scrutiny Place in 12 month's time.

9. How does the decision contribute to the Council's Corporate Plan?

The main contribution of effective management of air quality is to support the purpose of Keep me / my environment safe and healthy and building a stronger city. However in achieving this, it is necessary to proactively engage with other key purpose areas that could be affected by or through poor air quality. These include working with developers through the planning system to deliver good development including infrastructure, and working with business to run a successful business to ensure that any emissions to air that they may produce are kept within legal limits.

10. What risks are there and how can they be reduced?

Various risks have been identified to the successful development of an Air Quality Action Plan. These include failure to engage with partners and the impact of development in the greater Exeter area on traffic levels. These risks will be monitored as the plan develops and steps taken to mitigate and risks as appropriate.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

Areas with high levels of air pollution also tend to be relatively deprived. This means that more deprived populations are disproportionately affected. There is also a higher incidence amongst deprived populations of the types of diseases that are exacerbated by poor air quality. Thus the most vulnerable members of society are often worst affected by air pollution. The actions described in this report work to reduce the health impacts of poor local air quality.

12. Are there any other options?

Action to reduce exposure to PM_{2.5} and to reduce local air pollution where levels exceed the government objectives are legal duties imposed on local authorities through Part IV of the Environment Act 1995.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

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