

NB this report is for examination by Strategic Scrutiny but is unchanged from that which appeared at the meetings below:

REPORT TO EXECUTIVE

Date of Meeting: 1 October 2024

REPORT TO COUNCIL

Date of Meeting: 15 October 2024

Report of: Joint Interim Director – Environment, Waste and Operations

Title: Air Quality Annual Status Report

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

1.1 To present the statutory Annual Status report that has been submitted to the Department of Environment, Food and Rural Affairs (DEFRA). This contains the monitoring data from 2023, a summary of the actions taken in that year to improve local air quality and future plans.

2. Recommendations to Executive and Council:

2.1 That Executive Committee notes the statutory annual status report.

2.2 That Council notes the statutory annual status report.

2.3 That an update be provided to Executive should the clarification from Department for Food and Rural Affairs (DEFRA) over the timetable for future actions by the City Council be different than that outlined in this report.

3. Reasons for the recommendation:

3.1 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. We are required under this legislation to submit an Annual Status Report to DEFRA using their template and to present the report to members at a local level.

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

4.1 The City Council will continue to monitor air pollution and report on levels. This will take place within existing resources. In the coming years, the Air Quality Management Area (AQMA) boundary will need to be reviewed in line with government statutory guidance and a new Air Quality Action Plan (AQAP) produced.

5. Section 151 Officer comments:

5.1 There are no additional financial implications for Council to consider.

6. What are the legal aspects?

6.1 Part IV of the Environment Act 1995 (as amended by the Environment Act 2021) 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.

6.2 The Department for Environment, Food and Rural Affairs (DEFRA) has provided 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 PM2.5) which are 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 in order to report the progress being made 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. DEFRA provide comments back to the Local Authority which the Authority must 'have regard to'.

7. Monitoring Officer's comments:

7.1 The purpose of this report is to provide members with an update on the air quality of its area. Members will note the content of the report together with the attached 2024 Air Quality Annual Status Report and DEFRA appraisal.

8. Report details:

8.1 There are two national objectives for levels of nitrogen dioxide. These are for the average level over a whole year, which should be below 40 µg/m³, and the average level for one hour, which should not exceed 200 µg/m³ on more than 18 occasions during a year. Local authorities are told that this one hour standard is unlikely to be exceeded where the average level over a whole year is below 60 µg/m³ so this measurement is a commonly used proxy. The annual average objective applies to residential, hospital and education sites. The hourly average objective applies to these sites and to busy streets and workplaces as well.

8.2 Exeter City Council has a monitoring network that is designed to identify the areas with the highest levels of nitrogen dioxide, at the locations where the objectives apply. Most of the monitoring sites are therefore on residential properties in close proximity to the busiest roads and junctions in the city. The results of the monitoring conducted by the City Council is not representative of typical or average conditions across the city. Instead most of the monitoring sites are indicative of the worst case locations.

8.3 The number of sites which exceed the objective has reduced significantly since the AQMA was declared (a reduction from 32 exceedences in 2009 to one in 2021, 2022 and 2023). The highest levels are measured on the Heavitree corridor, at East Wonford Hill. Here levels have previously been close to or above the levels which indicates an exceedance of the hourly objective but in since 2019 have been significantly lower (at 38.2 $\mu\text{g}/\text{m}^3$ in 2020, 42.2 in 2021, 40.4 in 2022 and 40.5 in 2023).

8.4 The measured results can be found in table A.3 of the Annual Status Report (appendix 1). Trends in annual nitrogen dioxide concentrations can also be seen in Figure A.1. These show that in 2020 levels of nitrogen dioxide at every site, including East Wonford Hill fell to below the objective levels. This significant fall was caused by a reduction in traffic flows as a result of COVID-19. There was a rebound in 2021, but not back to pre-pandemic levels. A further fall was seen from 2021 to 2022, back to close to 2020 (lockdown) levels. Levels in 2023 were very similar to 2022.

8.5 This pattern is partially explained by traffic flows, which fell dramatically in 2020 and rebounded partially in 2021. They increased again to 2023 (Table 3.1 in the Annual Status Report contains data from Devon County Council) but still not back to pre-pandemic levels. It is not possible to say whether traffic flows will eventually return to pre-pandemic levels and if they do whether this will be matched by a full return in air pollution levels as well. At the same time as the changes caused by Covid, there will also have been changes in the vehicle fleet which should have reduced emissions from newer vehicles. Additional variability is also introduced by weather and other factors that affect pollution concentrations on a year-to-year basis. These factors will continue to be evaluated in future reports, looking at the data from 2024 and beyond.

8.6 The report covers part of the period during which Devon County Council introduced temporary changes to prohibit through traffic in the Heavitree area. This is discussed in section 3.2.1 of the report, which concludes that no impact from the changes can be seen in the 2023 data set for the monitoring sites that could be expected to have been affected, although the changes were only in place for September to December of 2023.

8.7 No sites had levels in 2023 between 35 and 40 $\mu\text{g}/\text{m}^3$ (i.e. close to but not above the objective level of 40). Most locations along the busy routes into and around the city had concentrations of nitrogen dioxide in the range between 25 and 35 $\mu\text{g}/\text{m}^3$ during last year.

8.8 As you move away from busy roads, levels in previous years have fallen below 25 $\mu\text{g}/\text{m}^3$. In 2023, levels in these areas were typically between 10 and 15 $\mu\text{g}/\text{m}^3$ for purely suburban streets and between 15 and 20 $\mu\text{g}/\text{m}^3$ for local through routes. The majority of the population of Exeter therefore live in locations with concentrations of nitrogen dioxide well below the objective, but a small number are exposed at home to levels above the objective. No schools in Exeter experience levels above the objective.

8.9 NO_2 levels in Exeter have at most sites have fallen since a peak in 2009 then were broadly stable in the four years prior to 2020. 2020 was exceptional, in terms of the reduction in traffic flows during some parts of the year but it is likely that trends in travel habits, homeworking etc will continue to evolve. Trends in air quality generally take several years to emerge even when other factors are stable, because of the annual

variability caused by weather. What the long term, post-covid trends will be remains to be seen. As trends do appear, these will be reported in future Annual Status Reports.

8.10 The Annual Status Report also summarises the results of particulate pollution measurements (PM_{10} and $PM_{2.5}$). No areas in the city are thought to exceed the objectives for this type of air pollution. It should also be noted that local authorities do not have legal duties to achieve the objectives for $PM_{2.5}$. This responsibility sits with national government in recognition of the fact that the sources of this type of pollution are much less local and may therefore be mainly beyond the local control.

8.11 The annual average EU limit value for $PM_{2.5}$ is $25 \mu g/m^3$ and there is no suggestion that this level is being exceeded in Exeter. The Environmental Targets (Fine Particulate Matter) (England) Regulations 2023 introduce a target for national government of $10 \mu g/m^3$ as an annual mean, to be achieved by 2040. Currently it seems likely that large parts of Exeter meet this level (based on national modelling) but areas close to specific sources may not. The Regulations also introduce a population exposure reduction target for national government; that there is at least a 35% reduction in population exposure by the end of 31st December 2040, as compared with the average population exposure in the three-year period from 1st January 2016 to 31st December 2018.

8.12 The annual status report also summarises the measures that the City Council has taken in the last year to reduce pollution levels, and the actions that will be implemented in the coming year (table 2.2 of the Annual Status Report).

8.13 The Council was awarded grant funding from DEFRA in 2023 for a project that aims to provide further information on pollution levels in the Heavitree corridor area, using machine learning, and to disseminate that information to the local community. This work is progressing according to the project plan, with the public dissemination phases commencing in 2024.

8.14 The Annual Status report concludes that previous exceedences of the nitrogen dioxide (NO_2) objective at the Blackboy Road / Pinhoe Road junction have been permanently resolved given that they had fallen below $40 \mu g/m^3$ in 2018 and therefore have been below the objective for more than 5 years. Other sites (Alphington Street, Livery Dole, Satutory Mount, Fore Street Heavitree inbound and Honiton Road) were above the objective in 2019 but have not been since. This means that there have now been four years of results at these sites which are below the objective level although two of these were affected by Covid and lockdowns.

8.15 The Annual Status Report therefore proposed that the Council follow the approach in the statutory guidance to amend the AQMA order and reduce the boundary to just the area of exceedence on East Wonford Hill. This would co-incide with the expiry of the current AQAP at the end of 2024, with the subsequent publication of a new AQAP focussing on the new AQMA. The proposed timetable for this process was as follows.

Date	Actions
June 2024	Submit ASR, announcing need for amendment of AQMA (with proposed new boundary) as well as timetable for consultation and publication of new AQAP
From June 2024	Start of process to consider AQAP measures
September committee (date TBC)	ASR presented to committee for approval and start of consultation period on new AQMA order
11 weeks after committee	Consultation closes, and draft AQMA order submitted to DEFRA
From January 2025	Evaluation of potential AQAP measures
By end March 2025	New AQMA order signed and 18 month deadline for AQAP issue starts
June 2025	Submit ASR with update on progress and timetable
From June 2025	Draft AQAP
September 2025 committee (date TBC)	ASR presented to committee for approval and start of consultation period on new AQAP
8 to 12 weeks after committee	End of consultation (exact date TBC)
By end March 2026	Consideration of consultation responses and final AQAP produced
	AQAP sent to DEFRA for approval
June 2026	Submit ASR
September 2026 committee (date TBC)	ASR presented to committee for approval and adoption of AQAP

8.16 This approach was proposed following the DEFRA appraisal of the previous year's Annual Status Report, which made it clear that an AQAP which covered a greater area than the area of exceedance was not recommended. In addition, the timetable above was provided to the DEFRA Air Quality helpdesk. Their response was 'The timetable appears to be reasonable. Please ensure this is communicated in your next ASR, so this can be considered during the appraisal process'. It was therefore anticipated that this part of the Annual Status Report, and the timetable would be acceptable to DEFRA when they reviewed the report. The Annual Status Report describes the proposed, smaller AQMA boundary, as well as including a consultation plan and equalities impact assessment for making the necessary changes to the AQMA order (Appendix F of the Annual Status Report).

8.17 The DEFRA appraisal of the Annual Status report is included with this report to Executive and Full Council (appendix B). As can be seen, it says that 'the conclusions reached in the report are **accepted** for all sources and pollutants.' However it also says 'We advise ECC to wait until compliance has been achieved in 2022, 2023 and 2024 in the areas where ECC are proposing to remove the AQMA, before proceeding with plans to amend the AQMA. The current Air Quality Action Plan (AQAP) is due to expire at the end of 2024, but ECC do plan on publishing a new AQAP which focuses on the amended AQMA'. This appears to contradict the appraisal of the previous Annual Status Report as well as the previous approval of the proposed timetable of action. It would mean that publication of the new AQAP would be delayed until September 2027 (ie according to the timetable described above but delayed for one year while further monitoring data is obtained).

8.18 DEFRA were asked for clarification of this, as well as an explanation of the other matters raised in items 4 and 6 of their commentary on 05 August 2024. They have not yet responded despite it being explained to them that a committee report on the matter was pending.

8.19 Given the requirement from DEFRA to collate another year's worth of data before reviewing the Air Quality Management Area, it is prudent for the Council to continue with its current Action Plan for a further 12 months and for a revised timetable to be submitted as part of next years Annual Status Report.

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

9.1 Successful implementation of measures to improve local air quality will contribute towards all of the Council's Strategic programmes (promoting active and healthy lifestyles, building great neighbourhoods and net zero). The collection of reliable air quality data is a vital part of this process, so that the Council and others can understand the scale, location and trends in pollution objective exceedences.

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

10.1 This report is for the information of the Committee only and there are no risks associated with the recommendation to note the contents of the Annual Status Report. There would be risks in continuing with the previously proposed timetable, given the DEFRA appraisal report, which is why it has been decided to wait until further monitoring data has been collected before amending the AQMA boundary or replacing the AQAP.

10.2 There are also risks in the implementation of measures to improve air quality, such as funding. This is acknowledged within the Annual Status Report. Any necessary alterations to Action Plans can be made by means of future Annual Status Reports.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and

- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 An equalities assessment is included within the Annual Status Report at Appendix F.

12. Carbon Footprint (Environmental) Implications:

12.1 Measures to improve local air quality will also reduce carbon emissions from transport (although the opposite is not always true). The recommendations of this report therefore align with and support the Council's carbon reduction target (carbon neutral by 2030).

13. Are there any other options?

13.1 Completing an Annual Status Report and submitting it to DEFRA is a legal duty.

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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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