

**COMMUNITY PDG  
28 NOVEMBER 2017**

## **AIR QUALITY ACTION PLAN UPDATE**

**Cabinet Member(s):** Cllr Margaret Squires and Cllr Colin Slade  
**Responsible Officer:** Simon Newcombe, Group Manager Public Health & Regulatory Services

**Reason for Report:** To provide the final version of the statutory Air Quality Action Plan 2017-21 for the district for consideration.

**RECOMMENDATION:** That the PDG recommend that Cabinet approve the proposed Air Quality Action Plan as attached in Annexe 2.

**Relationship to Corporate Plan:** The Air Quality Action Plan aligns with and directly supports a number of key themes in the Corporate Plan as follows:

- *Priority 1 Economy: Aim (other) - Act as a champion to improve local rail services*
- *Priority 2 Homes: Aim 3 - Ensure consideration is given to the public health impact of every development*
- *Priority 4 Environment: Aim 2 – Reduce our carbon footprint; Aim 3 Protect the natural environment*
- *The district Public Health Plan is a priority project within the Corporate Plan and air quality is a priority health inequality identified with the adopted plan*

**Financial Implications:** As per previous PDG reports provided in March, June and September 2017, the plan will encompass measures ranging from small-scale initiatives through to major infrastructure projects such as the Cullompton relief road. As such, the plan will be delivered through a variety of different mechanisms including the Local Plan Review and planning obligations such as s106 and Community Infrastructure Levy (CIL) in addition to Government infrastructure funds and the Devon County Local Transport Plan (LTP 3). There may also be opportunities to bid into future Air Quality Grant funding nationally though this is not certain.

As measures are formalised then these will be further assessed and provisional implementation costs identified where these costs are not already known. Major infrastructure proposals for example will be included in the Local Plan Review Infrastructure Plan and will outline estimated costs. Overall, greater clarity on funding for specific measures and the plan overall will emerge once the timeline for Local Plan

Review examination and adoption is known and from further consultation with Devon County Council in respect of the emerging LTP3.

**Legal Implications:** As per previous reports, the adoption and implementation of an Air Quality Action Plan (where an authority has designated one or more Air Quality Management Areas) is a statutory requirement under the Environment Act 1995 Local Air Quality Management (known as the LAQM regime). Under the regime, Local Authorities therefore have a duty to pursue measures which are designed to improve air quality. The thresholds for air pollution are set out in statutory UK Air Quality Objectives which in turn duplicate EU limit values and binding air quality standards.

Nationally, the UK is currently subject to EU infringement proceedings due to non-compliance with EU air quality standards (evidenced locally in the two formal Air Quality Management Areas in the district). Given that EU requirements are enshrined in turn into UK law means that the Localism Act allows the Government (DEFRA) to recharge LA's with the cost of meeting these standards if it chooses to do so.

The remodelled statutory Government guidance to the LAQM regime places greater emphasis on delivery of effective intervention mechanisms to improve existing hot-spots and mitigate for the effects of new development and any new public exposure to poor air quality.

**Risk Assessment:** As per previous reports in addition to meeting our statutory duties and the risk of financial penalties under the Localism Act if we fail to do so (see above), a failure to make improvements to air quality would be directly contrary to our adopted Public Health plan. Therefore, we would not address a priority health inequality target locally. Furthermore, the successful implementation of an Air Quality Action Plan underpinning relevant Local Plan policies is essential to mitigate against the impact of significant new development district-wide and to deliver the wider community infrastructure benefits.

Given the inherent requirement to have planning obligation measures in place in order to deliver major parts of the plan then the successful implementation of the Air Quality Action Plan should be considered against the risks of an extended timeline for the Local Plan Review and the potential risk that the Local Plan is not found sound.

Air quality has an increasingly high profile in terms of both local and national policy in addition to wider reporting of the issue across regional and national media. In turn is generating public awareness beyond local communities within our specific AQMA areas. A failure to implement and deliver an effective Action Plan should also be viewed in this context in addition to our core statutory responsibilities.

**Equality Impact Assessment:** No equality issues identified in this report.

## 1.0 Key issues

1.1 In considering the previous draft of the Air Quality Action Plan (AQAP) at the last PDG meeting (September 2017), members discussed the support of Devon County Council – as the transport authority – to the AQAP and raised some additional points as minuted. These have been further considered by County and Mid Devon officers as set out below and in Section 2.

1.2 In response to member concerns, we have received further comments from the Devon County Transport and Planning team. It remains the case that Devon County Council does not have any in principle objection to the proposed updated Air Quality Action Plan (AQAP), but has provided the following advisory comments regarding the measures outlined in table 5.1.

- It is noted that e-bikes are mentioned but it is doubted as to whether there is either the demand or the destinations that would make them a success. Usage of e-bikes in Exeter is low, so Devon County Council would urge caution with this measure.
- The responsibility for School Travel Plans should sit with the schools themselves.
- Reading Council has done some work around anti-idling which gives some sensible proposals around what may be possible. [http://www.reading.gov.uk/media/6353/Item09-Idling-Nov16-Report-to-SEPT/pdf/Item09\\_Idling\\_Nov16\\_Report\\_to\\_SEPT.pdf](http://www.reading.gov.uk/media/6353/Item09-Idling-Nov16-Report-to-SEPT/pdf/Item09_Idling_Nov16_Report_to_SEPT.pdf). The legal position is unclear, but this may include issuing fixed penalty notices.
- Regarding a review of parking/traffic management on High Street in Crediton, this has been looked at several times in the past with no obvious solution as locals like to keep going up and down until they find a space right outside the shops rather than use the car park. They always say that locals don't like walking up the hill to the car park.
- If MDDC were minded to add more ideas, perhaps a more innovative approach would be to have a marketing campaign approach in terms of AQMA towns – e.g. signage (i.e. displayed on P&D Machines), telling people they are contributing towards poor air quality in Crediton by parking on High Street. Having people travel two or three times up and down the high street

at a slow pace looking for a car parking space must be having a huge impact. On the other hand, this could be more of a positive marketing approach – i.e. encouraging people to park and stride (from St Saviour’s Car Park) – selling the health benefits to your town and yourself by reducing traffic flows on High Street whilst increasing heart rate to improve health and wellbeing.

## 2.0 **Response to points raised by the Community PDG at the previous meeting**

2.1 Further consideration and comment on the points raised is provided below:

- **Road infrastructure and the need for improvements**

These can be viewed in Devon County’s Local Transport Plan (LTP3). Major road infrastructure policy and requirements for the District are also set out in the Mid Devon Local Plan submission.

*Action:* New measure 16 (Table 5.1 of AQAP) for consideration to be given to road surfacing in the AQMAs to reduce pollution. Both DCC and Mid Devon will continue to build relationships with stakeholders to deliver roads and infrastructure.

- **The difficulties encountered in a rural area for those that did not have a car and the need for local facilities**

This is now acknowledged within the priorities of the Action Plan (Executive Summary).

*Action:* none further required.

- **Local roads weren’t always safe for cycling.**

This is noted.

*Action:* consideration is given to a joint MDDC/DCC awareness raising campaign following the annual review of the AQAP in 2018.

- **Tiverton Parkway Station being away from the main towns, problems accessing it and possible solutions to this.**

The capacity of Tiverton station car park has been increased to meet demand of travellers accessing the station by road. In terms of catchment area for station users, rail passengers come from across a wide area of central and eastern Devon in addition to western Somerset. Officers are therefore not sure whether parking at Tiverton then taking an express bus would be popular. There is also a query as to whether demand from Tiverton alone would support an express bus service.

*Action:* a review the current bus timetable will be carried out with Devon County Council and Operators to ensure alignment with major stopping services. If deliverable opportunities emerge from this review to make positive changes then this will be reflected in the next annual review of the AQAP in 2018.

- **ECO Stars – can school buses and local coach companies comply with this?**

The decision lies with Devon County Council (DCC) engaging with ECO Stars to consider future contract obligations for service providers.

*Action:* as part of its existing commitment to ECO Stars as outlined in the plan, MDDC can continue to lobby DCC to get on board with ECO Stars.

- The need for Devon County Council to consider air quality when coordinating school transport

See above.

- **The introduction of electrically powered vehicles**

MDDC have installed a unit at Exe Leisure centre with more in the pipeline. See measure 5 (Table 5.1 of AQAP).

*Action:* none further required.

- **Bus passes for senior citizens and whether they would continue?**

This is a national scheme however we are not aware of any proposed changes. The scheme is currently matched to retirement age.

*Action:* none further required.

- **Potential cycle routes from Crediton and Tiverton to Exeter and whether they could be pursued?**

*Action:* this has been raised with DCC and we are awaiting a response. There is potential for more detail to be considered in the next annual review of the AQAP in 2018.

- **School Travel Plans**

See DCC comment in 1.1.

*Action:* MDDC could still have a role in working with schools supplying air quality data and personal exposure expertise. This could be recognised in future updates of the Mid Devon Public Health Plan rather than as a specific measure within the AQAP.

- **Greater consideration of enforcement measures;**

See DCC comment in 1.1.

*Action:* we will continue to engage with DCC on enforcement measures and review activities of other local authorities.

### **3.0 Air Quality Action Plan amendments**

3.1 The attached Action Plan in Annexe 2 has been updated to reflect points raised by the Group and Devon County.

3.2 As set out under specific responses above, it should be noted that further amendments to the Action Plan can be made at each yearly review. For instance, if a measure is no longer considered possible or after further consultation would not achieve the desired outcome or a new measure is put forward.

### **4.0 Air Quality Action Plan structure and format**

4.1 As discussed in the previous update report, the combined updated Action Plan looks somewhat different from the current plans produced separately in 2006 and 2009 for each AQMA respectively. A recent Government (DEFRA) review of the Local Air Quality Management regime implemented introduced new

assessment requirements and statutory reporting templates including a revised mandatory format for statutory Air Quality Action Plans.

- 4.2 Consequently, following the prescribed format, the Action Plan therefore sets out the current air quality context, our policy and drivers to improve air quality including those under a public health and planning context. It will also set out our stakeholder engagement and consultation work in developing the plan in addition to outlining the plan measures. In order to aid EU reporting, these measures are required to be set out under specific headings and classifications.

## 5.0 **Next steps**

- 5.1 Consultation on the final version of the AQAP has been carried out and includes the Leadership team, forward planning and development management, relevant town councils, Public Health and Transport & Planning at Devon County and the Exeter City Council.

- 5.2 For the final plan to be adopted then it requires Cabinet approval and subsequently the signature of the Chief Executive. The approved version is then forwarded to DEFRA to update the overarching national air quality management plan.

## 6.0 **Recommendation**

- 6.1 The Community PDG to consider the responses above and the updated Air Quality Action Plan (as attached) and recommend it for approval by Cabinet.

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### **Circulation of the Report:**

Cabinet Members with responsibility for Public Health (Cllr Margaret Squires) and Community Well-being (Cllr Colin Slade)  
Members of the Community Policy Development Group  
Leadership Team

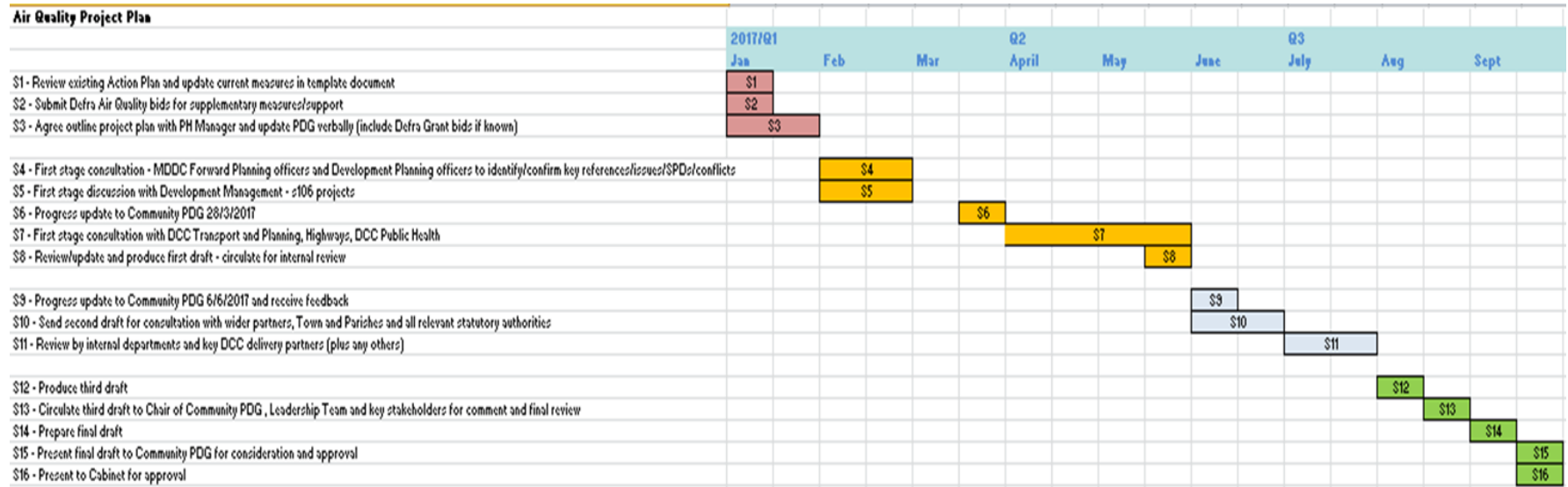
### **List of Background Papers:**

Environment Act 1995, available at  
<http://www.legislation.gov.uk/ukpga/1995/25/contents>

Statutory Local Air Quality Management Policy and Technical Guidance LAQM.PG16  
and LAQM.TG16, available at <https://laqm.defra.gov.uk/supporting-guidance.html>



## Annexe 1 – Outline project timeline



## **Annexe 2 – Air Quality Action Plan**