

## **COMMUNITY PDG**

**16 NOVEMBER 2021**

### **AIR QUALITY ACTION PLAN**

**Cabinet Member(s):** Cllr Dennis Knowles

**Responsible Officer:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

**Reason for Report and Recommendation:** To provide Members of the Policy Development Group (PDG) with an opportunity to review and recommend adoption of the revised corporate Air Quality Action Plan (Annex 1) following the recent completion of external and public consultation. Details of the consultation are set out within the report. The consultation responses and outcomes are set out in Annex 2.

The report also provides Members of the PDG with an update on progress with the development of a revised Air Quality Supplementary Planning Document (SPD) together with details and timeline to secure the legal adoption of the document. This is important to the delivery of aspects of the updated Air Quality Action Plan (AQAP), notably in relation to managing the impact of new development and securing planning obligations.

#### **RECOMMENDATIONS:**

- 1. That the PDG recommends to Cabinet that the updated Air Quality Action Plan attached in Annex 1 of this report is adopted**
- 2. That the PDG note the details and timeline for the adoption of the updated Air Quality Supplementary via the Planning Policy Development Group and Cabinet as set out in Section 5.3 of the report**

**Relationship to Corporate Plan:** The Air Quality Action Plan aligns with and directly supports a number of key themes in the Corporate Plan 2020-24. In particular, the priority given to the environment and aspirations towards sustainable communities and a sustainable planet. Furthermore, there is a relationship between Local Air Quality Management and Climate Change as set out below.

**Financial and Policy Implications:** The current and future updated plan encompass measures ranging from small-scale initiatives through to major infrastructure projects such as the Cullompton Town Centre 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 in addition to Government infrastructure funds and the Devon

County Local Transport Plan (LTP 3). There may also be opportunities to bid for future Air Quality Grant funding nationally though this is not certain.

As measures are formalised and updated then these will be further assessed and provisional implementation costs identified where these costs are not already known. Major infrastructure proposals for example are included in the Local Plan Review Infrastructure Plan which outlines estimated costs.

Specifically, the Cullompton Town Centre Relief Road has been awarded £10m funding from the Homes England Housing Infrastructure Fund towards the £15m scheme. The Council is required to part forward fund the project and the £5m balance for the Cullompton Scheme will need to be funded by the Council until such a time as the s106 monies can be collected from future housing development that is unlocked by the provision of the road.

The removal of the s106 pooling restrictions under the Community Infrastructure Levy Regulations from 1<sup>st</sup> September 2019 has allowed for s106 contributions to be pooled or collated from different developments. This has made the collection of s106 funds to deliver specific projects easier as the previous limit on pooling 5 or more obligations has now been removed.

One of the key measures within the proposed Action Plan is an updated to the formal Air Quality Supplementary Planning Document (SPD). The existing SPD has been in place since 2008 and is due for review in line with the revised Action Plan alongside updated methodology to assess the local air quality impact of new development and allow for mitigation including potential s106 contributions to measures within the AQAP. More on the SPD is set out within Section 5.0 of the report.

**Legal Implications:** 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 Part IV of the Environment Act 1995 for Local Air Quality Management (known as the LAQM regime). Under the regime, Local Authorities (LA's) therefore have a duty to pursue measures aimed at improving 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.

These EU requirements are enshrined into UK law and furthermore the Localism Act 2011 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 and the Clean Air Strategy place greater emphasis on delivery of effective intervention mechanisms to improve existing hot-spots and the need to mitigate for the effects of new development and public exposure to poor air quality.

**Risk Assessment:** In addition to meeting our statutory duties and the risk of financial penalties under the Localism Act 2011 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 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 requirement to update the SPD on Air Quality.

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 this is generating public awareness beyond local communities within our specific AQMA areas.

**Equality Impact Assessment:** No equality issues specifically identified in this report. Nonetheless, whilst poor local air quality impacts everyone, air quality standards are health-based and designed to protect the most vulnerable persons including those who are young, elderly and/or have pre-existing disabilities arising from sensitive medical conditions. Consequently, the Council's Air Quality Action Plan seeks to proactively protect some of those residents with protected characteristics.

**Impact on Climate Change:** None directly arising from the report. The LAQM statutory regime does not include carbon dioxide or other major climate change gases. However, there will be impacting emissions from road transport and other relevant sources targeted within the Council's Air Quality Action Plan (AQAP) and consequently a potential surrogate benefit between tackling local air quality issues and climate change. However, it is also recognised that national policies have resulted in a consumer/manufacturer shift away from diesel to petrol (or petrol/hybrid) powered road vehicles due to local pollution concerns. This may have a negative impact nationally on carbon dioxide emissions due to the inherent better performance of modern diesel engines in this respect. Nonetheless, whilst there are measures in the MDDC AQAP promoting a switch to low-emission/non-combustion engine vehicles there are none directly targeting diesel vehicles in this context.

## 1.0 **Air Quality as a Public Health concern**

- 1.1 Poor air quality is the largest environmental risk to public health in the UK, as long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy. It is the fourth greatest threat to public health after cancer, heart disease and obesity.
- 1.2 Nationally, the health cost of poor air quality is estimated at £8-20 billion each year and Public Health England assess that long-term exposure to man-made pollution has an annual effect equivalent to 28-36,000 deaths (Committee on the Medical Effects of Air Pollutants). A recent European survey (European Heart Journal) has put forward an even higher UK figure of 64,000, meaning the impact is now similar to that of smoking.
- 1.3 Furthermore, for the first time in the UK (possibly the world) air pollution has been recognised as a cause of a person's death. In December 2020, Southwark Coroner's Court in London found that air pollution "made a material contribution" to the death of nine-year-old Ella Adoo-Kissi-Debrah.
- 1.4 Ella had a rare type of acute asthma; she was particularly susceptible to the toxic gases and particles in air pollution. In his verdict, the coroner said the cause was "...multi-factorial. It was down to both genes, and the environment". From a legal perspective, although this decision does not have any binding impact on other courts, it is still important as the first formal legal recognition of air pollution as contributing to the death of a particular individual.
- 1.5 In accordance with our legal duties, Mid Devon has declared Air Quality Management Areas in Crediton and Cullompton due to exceedances of air quality standards leading to the adoption and implementation of an Air Quality Action Plan. For context, Ella had lived near the South Circular Road in Lewisham and died in 2013, following an asthma attack. Pollution at this location also exceeded statutory air quality objectives, but at an order of magnitude higher than any levels recorded in Mid Devon.

## 2.0 **Air Quality Action Plan Measures and activity during 2020**

- 2.1 As previously reported to members in March 2021 (Community PDG), there are twenty-one measures identified in the current Air Quality Action Plan. The

measures range from small-scale projects such as car clubs, to large infrastructure projects such as the Cullompton Town Centre Relief Road.

2.2 Planning obligation (s106) funding is a key mechanism in delivering many of the measures. There is ongoing dialogue between Public Health and the S106 Monitoring officer, other officers in relation to identifying new air quality projects and the release of funds for projects already earmarked.

2.3 As also previously reported to members, a number of projects were due to be completed in early 2020 designed to accelerate delivery of the wider plan overall and provide resilience/additional capability going forward. These were duly accomplished and were intended to inform a comprehensive update of the Action Plan later in 2020 however this was not possible due to the ongoing Covid pandemic. Nonetheless, those projects completed included:

- Review and redesign of our air quality monitoring network
- Commissioning 4 no. 'AQ Mesh' air quality monitoring devices. These are highly mobile, solar/battery powered lamp-post mounted instruments capable of real-time monitoring 24/7/365 for nitrogen oxides and particulate matter. They provide a cost-effective but significant strengthening of our monitoring capabilities and will be used flexibly to support our development of Action Plan measures in each air quality management area and assessment work in relation to new major development proposals
- Crediton Traffic and Urban Realm Feasibility Study
- A comprehensive Low Emission Strategy for Cullompton – this will link to the assessment work on the town centre relief road and provide a wider plan for further improvements in the town

### 3.0 **Action Plan update 2021**

3.1 Due to the Covid pandemic, the planned update of the Action Plan and other related projects was moved into 2021.

3.2 In November 2020, approval was granted to allocate circa £32k of s106 Air Quality project funding in order to deliver the projects and work plan for 2021 set out in below, building on work completed 12-months previously.

3.3 In summary, the Air Quality project funding enabled the delivery of three interconnected projects or work-streams as follows:

- Project 1 – Air Quality Action Plan (AQAP) Update
- Project 2 - Update to the Supplementary Planning Document on Air Quality and Development
- Project 3 – Mid Devon Air Quality Sensor (monitoring) Data and Public Reporting

3.4 Due to the specialist nature of this work and the need for independent technical and quality assurance to meet Defra requirements, Ricardo Energy and Environment were commissioned to complete this work, supported extensively by officers as required.

3.5 Ricardo have in-depth experience in preparing AQAPs and SPDs for local authorities throughout the UK, including AQAPs recognised as examples of good practice by Defra and the Devolved Administrations. The Ricardo project delivery team comprised several specialists, all of whom have worked on the previous LAQM work packages for MDDC, and have extensive experience in supporting other local authorities across the UK in the development of AQAPs and associated LAQM work.

3.6 In early 2021, Ricardo completed a review and working draft of the AQAP report which included an updated source apportionment analysis (detailed breakdown of pollutant sources for action planning purposes), review of existing policies and preparation of a provisional (long) list of measures.

3.7 As set out to members of the PDG in March (see update report), the next steps were to confirm the provisional list of measures and hold the core steering group meeting to assess which measures are taken forward in the AQAP process.

3.8 The specific make-up of the core steering group was discussed in March and include officers from relevant internal services, a member representative of this PDG and external bodies:

- Corporate Manager for Public Health, Regulation and Housing
- Public Health – air quality management and licensing representatives
- Forward Planning – Principal Planning Officer
- Carbon and climate change lead officer
- Cllr John Downes – CPDG representative
- Cllr Dennis Knowles – Cabinet lead

- Crediton Town Council – nominated representative
- Cullompton Town Council – nominated representative
- Devon County Council – Senior Highways representative
- Ricardo Energy and Environment - consultants

#### **4.0 Air Quality Action Plan workshop and consultation**

- 4.1 Prior to meeting in June, the workshop group engaged in a remote survey to review the initial long-list of measures and enable any additional, proposed measures to be identified. Full details of this process and the feedback from stakeholders is set out in Appendix A of the AQAP.
- 4.2 In June, the workshop group then met to review and refine the long-list of measures and reduce these to a confirmed shortlist. This subsequently formed the basis of a draft, updated AQAP which was further consulted upon with the workshop stakeholder group over the summer period.
- 4.3 Following completion of the work of the group and further development of the plan by Ricardo, a wider public consultation on the draft, updated AQAP was completed by MDDC in September – October 2021
- 4.4 The external and public consultation commenced on the 20 September 2021 and was completed via a dedicated web-site page which can currently still be viewed at <https://www.middevon.gov.uk/your-council/consultation-involvement/current-consultations/>

This page set out a summary of the AQAP and invited comment and response via a web link. This was contextualised against three broad priorities and nine topics within the plan:

- **Priority 1 – Tackling NO<sub>2</sub> hotspots**
- **Priority 2 – Improving the overall air quality across Mid Devon**
- **Priority 3 – Managing PM<sub>2.5</sub> (ultra-fine particulates) exposure**

Topics:

- Alternatives to private vehicle use
- Freight and delivery management
- Policy guidance and development control
- Promoting low emission transport
- Promoting travel alternatives
- Public information

- Transport planning and infrastructure
- Traffic management
- Vehicle fleet efficiency

A link to the full AQAP and more about how to respond in writing if preferred was included on the page. This page was accompanied by a media press release that was also circulated to all members internally and to all town and parish councils.

- 4.5 In addition to the above, a targeted email was sent to those external organisational contacts involved in the workshop as well as neighbouring Local Authorities and Public Health England in order to meet Defra consultation requirements.
- 4.6 The consultation through all channels closed on the 11 October 2021.
- 4.7 Despite a three-week consultation period and a tailored, but extensive, consultation exercise only one response was received. This may be indicative of the positive, early stakeholder engagement in the plan development. It may also reflect a general, wide support for the AQAP and its proposals (comments are typically provided if people object rather than approve of change). Another, less positive factor, may also be the relative breadth and technical nature of the document, containing several themes with a detailed air pollution source apportionment and some 25 specific measures. The document must also be structured within a prescribed Defra template which is designed to present information as required to Government as opposed to being a bespoke, public-facing document.
- 4.8 The single respondent was a member of the public and their full response is set out in Annex 2 of this report with all comments provided in full/verbatim as received but with any personal data removed. A response by the lead officer (Corporate Manager) is also set out in the Annex.
- 4.9 As a result of the final consultation exercise there have been no further technical amendments to the proposed updated AQAP as attached.
- 5.0 **Supplementary Planning Document (SPD)**
- 5.1 The SPD is an important, added document that sits alongside our adopted AQAP, specifically in relation to the management of potential air quality impacts arising from new development across the district including the two district AQMAs at Crediton and Cullompton.



5.2 Following internal review with both the Public Health and Forward Planning Teams including Development Management colleagues, a draft, updated Air Quality SPD has been prepared by Ricardo in October 2021.

5.3 In summary, the purpose of the SPD document is to:

1. Provide guidance on the relevant policies adopted in the Mid Devon Local Plan 2013 – 2033 in relation to air quality
2. Assist developers in determining when an air quality assessment is required for a new development
3. Provide guidance through the emissions and air quality assessment procedures
4. Identify suitable mitigation measures to be included at the planning stage and set out the relationship with the adopted AQAP

5.4 The following timeline has been agreed with the Forward Planning team in order to move forward with the formal SPD consultation and adoption requirements

- By end of year 2021, draft HRA (Habitats Regulations Assessment) and SEA (Strategic Environmental Assessment) as required to accompany the SPD (Forward Planning with some input from Ricardo)
- Agree consultation materials with Comms team. Once agreed Forward Planning to discuss regulatory requirements
- January 2022 PPAG (Planning Policy Advisory Group) and Cabinet – Corporate Manager to lead with Forward Planning support
- February 2022 (potentially into March 2022) – minimum 4-week consultation with allowance for 6-weeks if members require this
- March/April 2022 – process representations. Summary of key points provided to Ricardo. Ricardo update SPD where relevant
- April/May 2022 – PPAG and Cabinet for Adoption (Corporate Manager lead)
- May/June 2022 – Place adoption materials on website and notify stakeholders

## 6.0 Recommendations

6.1 That the PDG recommends to Cabinet that the updated Air Quality Action Plan attached in Annex 1 of this report is adopted.

6.2 That the PDG note the details and timeline for the adoption of the updated Air Quality Supplementary via the Planning Policy Development Group and Cabinet as set out in Section 5.3 of the report.

**Contact for more Information:** Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

**Circulation of the Report:**

Cabinet Member for Community Well Being (Cllr Dennis Knowles)  
Members of the Community Policy Development Group  
All Leadership Team  
All Corporate Management Team  
All Operations Managers  
Principal Forward Planning Officer

**List of Background Papers:**

*MDDC and Crediton Town Council:*

Mid Devon Air Quality Action Plan 2017-21

(<https://www.middevon.gov.uk/media/345645/aqap-mid-devon-district-council-2017.pdf>)

Cabinet 31st January 2019, 30th May 2019 - Housing Infrastructure Fund  
Community PDG 23<sup>rd</sup> March 2021– Air Quality Action Plan update

Crediton Traffic and Urban Realm Feasibility Study (PJ Associates September 2018)

*National legislation, Strategy and Guidance:*

Local Air Quality Management legislation and regulations

(<https://www.gov.uk/government/publications/2010-to-2015-government-policy-environmental-quality/2010-to-2015-government-policy-environmental-quality#appendix-5-international-european-and-national-standards-for-air-quality>)

Local Air Quality Management Statutory Policy Guidance

(<https://www.gov.uk/government/publications/local-air-quality-management-policy-guidance-pg09>)

National Clean Air Strategy 2019 (DEFRA)

(<https://assets.publishing.service.gov.uk/./clean-air-strategy-2019.pdf>)

*Air quality and public health:*

Associations of long term average concentrations of nitrogen dioxide with mortality -  
A report by the Committee on the Medical Effects of Air Pollutants 2018

([https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/734799/COMEAP\\_NO2\\_Report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/734799/COMEAP_NO2_Report.pdf))

European Heart Journal report on Cardiovascular Disease and Air Pollution 2019

(<https://academic.oup.com/eurheartj/article/40/20/1590/5372326>)

**Annex 1 – Updated Air Quality Action Plan (v1.2 August 2021 – attached separately)**

## Annex 2 - Summary of the final Air Quality Action Plan consultation responses and outcomes

### Responses (verbatim)

No.	Consultee type	Open field	<i>Comments and outcomes</i>
1	Member of the Public	<p><i>Good evening,</i></p> <p><i>I read the Action Plan with interest and was surprised that air quality associated with the storage, spreading and transport of cattle slurry, chicken waste and pig manure was not included. As a resident of a village which is experiencing ever increasing levels of air pollution due to the smell caused by intensive farming I would like this issue to be part of the consultation.</i></p> <p><i>Please could you confirm that this would be possible.</i></p>	<p>The dominant and key emissions associated with animal livestock production and animal waste storage are essentially greenhouse gases (GHGs - methane and nitrous oxide) alongside ammonia. Whilst impactful in terms of climate change they are not specific pollutants included within the scope of the Part IV of the Environment Act 1995 for Local Air Quality Management (LAQM regime). As a result the Council's statutory AQAP cannot include measure to tackle non-LAQM pollutants.</p> <p>The AQAP must focus on those sources set out in the AQAP source apportionment relevant to local air quality pollutants of concern within our district Air Quality Management Areas – therefore Nitrogen dioxide and particulate matter largely associated with road transport sources.</p> <p>The Government's Clear Air Strategy and other climate change policies do seek to separately address emissions of GHGs from agricultural sources.</p> <p>Furthermore, odour is a potential statutory nuisance under the Environmental Protection Act 1990 and as such the Council has existing powers to assess specific concerns if relevant under this legislation.</p>