

**COMMUNITY PDG
28 MARCH 2017**

AIR QUALITY ACTION PLAN UPDATE

Cabinet Member(s): Cllr Margaret Squires
Responsible Officer: Simon Newcombe, Public Health and Professional Services Manager

Reason for Report: To provide an update of progress of the revision of the statutory Air Quality Action Plans for the district

RECOMMENDATION: That the information in the report be noted and updated by the Public Health Manager in future PDG meetings.

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: 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 due for submission in March 2017 and will include 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: 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: 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 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.

1.0 Introduction

1.1 Fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management regime (LAQM) requires local authorities to produce an Air Quality Management Plan where air quality management areas (AQMAs)

have been declared for exceedances of statutory limit values for specific pollutants.

- 1.2 The Council have designated two AQMAs in the district:
 - Crediton AQMA for Nitrogen Dioxide (High Street) and Particulates (Exeter Road and High Street)
 - Cullompton AQMA for Nitrogen Dioxide (Fore Street, Higher Street and Station Road)
- 1.3 The formal Air Quality Management Areas are characterised by roadside locations where residents live in close proximity to the kerbside and the major source of these pollutants is road transport. Compounding factors in both areas are the historic town layouts which result in congested traffic movements within narrow 'street canyons' created excessive polluting emissions and poor dispersion of pollution.
- 1.4 Separate Air Quality Management Plans (AQAPs) were produced for Crediton (2006) and Cullompton (2009). Public Health Services are responsible for monitoring the current AQMAs and produces yearly statutory Air Quality Review and Assessment Reports which are uploaded to the MDDC website.
<https://www.middevon.gov.uk/residents/environment/air-quality/local-air-quality-management/>
- 1.5 Recent national authoritative studies indicate air pollution causes around 40,000 premature deaths each year in the UK at a huge economic cost. Delivering improvements to air quality is therefore both a national and local priority.
- 1.6 DEFRA wrote to all local authorities in November 2016 outlining the Government's plan nationally to tackle air pollution. It also reminded authorities of our legal responsibilities locally under the LAQM regime requesting an update to the minister on our plans to tackle air quality. This update was provided together with a commitment that we would be provided a comprehensive update to our existing Action Plans in 2017.
- 1.7 The current Mid Devon AQAPs introduced a number of short to long-term measures which have largely been completed or require further review. Notable high-profile successes include the adoption of wide ranging air quality/low emission strategy policy and guidance under the current Local Plan (currently under revision), the implementation of the ECO-Stars fleet management scheme and construction of the Lords Meadow Link Road in Crediton.
- 1.8 Significant improvements have been made with a reduction in exceedances in limit values across both AQMAs however hotspot locations remain, principally

at the western end of Crediton High Street and Fore Street, Cullompton. Furthermore improvements in other areas will require protection afforded by additional measures in order to mitigate the impact of new traffic-generating development, notably in Cullompton as proposed under the new Local Plan.

- 1.9 As result, it is timely from a number of perspectives that our AQAPs are reviewed and updated with new measures. Following a briefing to the PDG, members will recall it approved the review and adoption of an updated AQAP at the November 2016 meeting with an early verbal update being provided in January 2017 by the Public Health manager.
- 1.10 In terms of scope, the new Air Quality Management Plan (2017-21) will encompass the whole of the district and report on what progress has occurred since these individual plans were created and what we aspire to achieve in the next 4-5 years. The plan will formally incorporate the requirements of the two AQMAs in addition to any wider measures designed to protect air quality across the district and prevent the designation of new AQMAs arising from significant new commercial and residential development. More information on the plan format is given in section 3 below.

2.0 **Timeline and progress**

- 2.1 Completion and delivery of the action plan is being led by an internal project team including the Public Health Officer (Plan design and adoption), an Environmental Health pollution specialist (Technical support and data) and the Public Health Services Manager (Project management and delivery). An outline project timeline has been created as reported at the previous PDG meeting (see Annexe 1) with the initial steps now having been completed as follows:

- Review existing Action Plan and update current measures
- Submit Defra Air Quality bids for supplementary measures/support
- First stage consultation with MDDC Forward Planning officers and Development Planning officers to identify/confirm key references/issues/Planning Documents/conflicts
- First stage discussion with Development Management - s106 projects

- 2.2 Last November 4 local authorities (Exeter, Teignbridge, East Devon and Mid Devon) submitted two combined bids for DEFRA Air Quality Grants and a sole bid was included by MDDC (See *4.0 Air Quality, Public Health Strategy and Action Plan Update*, Community PDG, 6th January 2017).

DEFRA acknowledged that bidding for the grants was hugely over- subscribed and in late February the winning bids were announced.

<https://www.gov.uk/government/news/air-quality-grant-programme>

2.3 Unfortunately both combined and sole bids were unsuccessful; however, one of the combined bids (Electric Vehicle charging network) has been placed on the 'Reserve List' indicating we were very close to a successful bid.

2.4 The next phase in developing the action plan will involve significant consultation, liaison and input from/with key stakeholders who have an impact on air quality in Mid Devon including Devon County Council Transport and Planning, Public Health and Highways England. This will be followed by Town and Parish Council consultation.

3.0 Reporting and review

3.1 The combined updated Action Plan will look somewhat different from the current plans produced in 2006 and 2009 respectively. A Government (DEFRA) review of the Local Air Quality Management regime implemented in 2016 introduced new assessment requirements and statutory reporting templates including revised formats for our annual assessment work/air quality monitoring and statutory Air Quality Action Plans.

3.2 The Action Plan will therefore set 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 the following classification (where measures are identified):

- Alternative to private vehicle use
- Environmental permits
- Freight and delivery management
- Policy guidance and development control
- Promoting low emission plant and vehicles
- Travel alternatives
- Public information
- Traffic management and transport planning/infrastructure
- Vehicle fleet efficiency

3.3 Under the Government LAQM reporting requirements, we will be required to report on plan progress annually through our annual status reports due to submission by the end of March each year. Updates will be provided to the PDG to fit in as close as possible with this reporting cycle.

Contact for more Information: Kevin Swift (Public Health Officer), 01884 244625 kswift@middevon.gov.uk and Simon Newcombe (Public Health and Professional Services Manager) 01884 244615 snewcombe@middevon.gov.uk

Circulation of the Report:

Cabinet lead for Public Health – Cllr Margaret Squires
Leadership Team
Head of Planning and Regeneration
Members of the Community Policy Development Group

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>

Royal College of Physicians/Royal College of Paediatrics and Child Health – Every breath we take: The lifelong impact of air pollution. Report of Working Party February 2016, available at <https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution>

Mid Devon District Council Draft Infrastructure Plan 2016, available at:
<https://www.middevon.gov.uk/media/342702/mddc-infrastructure-plan-dec-2016-draft-v2.pdf>

Mid Devon District Council CIL Draft Charging Schedule, available at:
<https://www.middevon.gov.uk/media/342699/cil-explanatory-notes.pdf>

Mid Devon District Council Public Health Plan 2016 and update (see agenda item 67 Community PDG meeting 31 January 2017)

Annexe 1 – Outline project timeline

	2017/Q1			Q2			Q3		
	Jan	Feb	Mar	April	May	June	July	Aug	
S1 - Review existing Action Plan and update current measures in template document	S1								
S2 - Submit Defra Air Quality bids for supplementary measures/support	S2								
S3 - Agree outline project plan with PH Manager and update PDG verbally (include Defra Grant bids if known)	S3								
S4 - First stage consultation - MDCC Forward Planning officers and Development Planning officers to identify/confirm key references/issues/SPDs/conflicts		S4							
S5 - First stage discussion with Development Management - s106 projects		S5							
S6 - Progress update to Community PDG 28/3/2017			S6						
S7 - First stage consultation with DCC Transport and Planning, Highways, DCC Public Health			S7						
S8 - Review/update and produce first draft - circulate for internal review				S8					
S9 - Send draft for consultation with wider partners, Town and Parishes and all relevant statutory authorities					S9				
S10 - Review feedback from partner consultation - produce second draft						S10			
S11 - Progress update to Community PDG 6/6/2017							S11		
S12 - Final review by internal departments and key DCC delivery partners (plus any others)							S12		
S13 - Produce third draft							S13		
S14 - Circulate third draft to Chair of Community PDG and Leadership Team for comment and final review 1/8/2017								S14	
S15 - Present final draft to Community PDG for consideration and approval								S15	
S16 - Present to Cabinet for approval								S16	