

**COMMUNITY PDG
26 SEPTEMBER 2017**

AIR QUALITY ACTION PLAN UPDATE

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

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 and June 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 Timeline and progress

- 1.1 Since the previous PDG update report (July 2017) we have received further comments from Devon County Transport and Planning. Both the Highways Development Management Officer (Mid Devon District) and Planning Team were happy with the content, however, have not yet made comment on the final version (deadline for comments is 31 August 2017 and a verbal update will be provided to members).
- 1.2 Our internal Forward Planning and Development Planning teams have provided guidance and content throughout the plan.

2.0 Key issues/concerns/developments

- 2.1 One consideration is that many of the measures in the plan are dependent upon sufficient funds being made available through s106/CIL payments making timelines for completing projects difficult to ascertain.

2.0 Air Quality Action Plan structure and format

- 3.1 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 (AQAP).
- 3.2 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.

4.0 **Next steps**

- 4.1 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.
- 4.2 For the final plan to be adopted then it requires Cabinet approval and subsequently the signature of the Council Chief Executive. The approved version is then forwarded to DEFRA to update the overarching national air quality management plan.

5.0 **Recommendation**

- 4.2 The Community PDG to consider the Action Plan and recommend it for approval by Cabinet.

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Circulation of the Report:

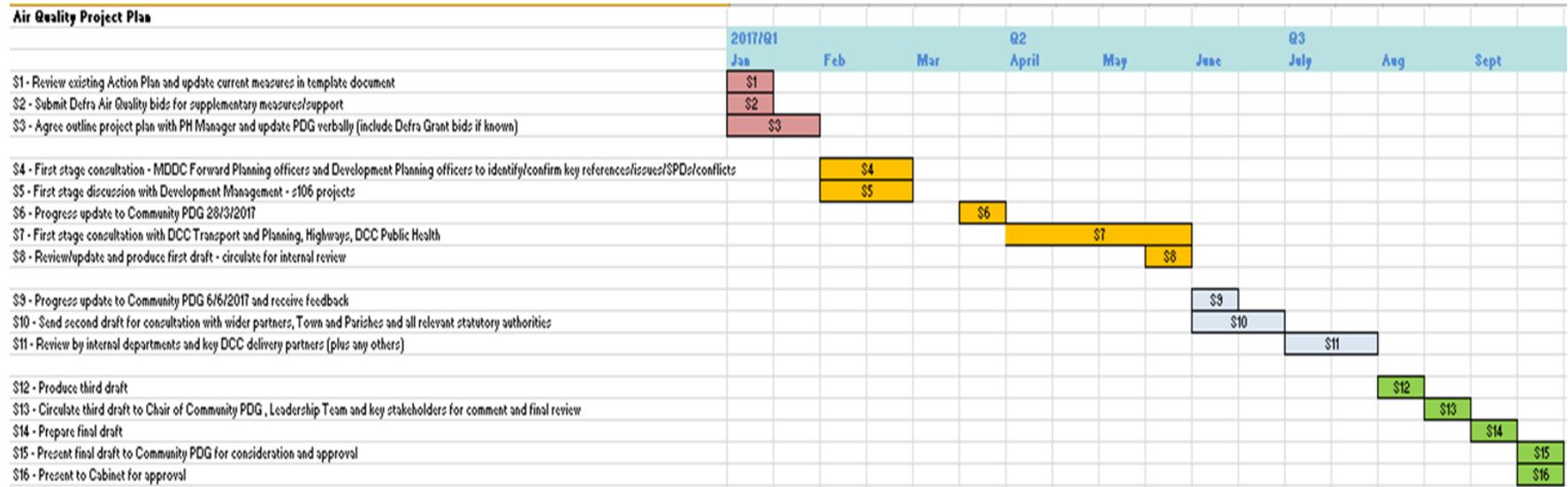
Cabinet Members with responsibility for Public Health (Cllr Margaret Squires) and Community Well-being (Cllr Colin Slade)
Members of the Community Policy Development Group
Leadership Team

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