

**EXECUTIVE MEMBER DECISION MAKING  
(HEALTH AND PUBLIC PROTECTION)**

**Date:** Tuesday, 13 June 2017

**Time:** 1.00 pm

**Venue:** Executive Meeting Area - Civic Offices

**Executive Member:** Councillor T M Cartwright, MBE, Deputy Leader



**1. Report Published (Pages 3 - 10)**

To consider the following matters for decision for which reports have been published:-

**Non-Key Decision(s)**

**(1) Response to "Draft national plan for tackling nitrogen dioxide in our towns and cities"**

A report by the Head of Environmental Health.



P GRIMWOOD  
Chief Executive Officer

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5 June 2017

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# FAREHAM

## BOROUGH COUNCIL

### Report to the Executive Member for Health and Public Protection for Decision

<b>Portfolio:</b>	Health and Public Protection
<b>Subject:</b>	Response to "Draft national plan for tackling nitrogen dioxide in our towns and cities".
<b>Report of:</b>	Head of Environmental Health
<b>Strategy/Policy:</b>	None
<b>Corporate Objective:</b>	A safe and healthy place to live and work.

**Purpose:**  
 To consider and approve the Council's consultation response to the DEFRA consultation on the "Draft national plan for tackling nitrogen dioxide in our towns and cities".

**Executive summary:**  
 The environmental group ClientEarth won a Supreme Court ruling against the Government in November 2016. The ruling found that the 2015 National Air Quality Plan was not sufficient in that it would not bring down air pollution levels within a sufficient timeframe. As a result of this the Government, through DEFRA, has produced a revised Draft National Air Quality Action Plan. This was published on 5 May 2017 and is out for consultation until 15 June 2017. The plan names 40 UK towns and cities where positive action is necessary to reduce air pollution levels, based on data from computer modelling. Fareham is one of the towns listed, it is therefore important that the Council responds to this consultation.

**Recommendation:**  
 That the Executive Member agrees that the Council response, as attached as Appendix A to this report, be submitted to the Government's consultation on the Draft National Air Quality Action Plan (which closes on 15 June 2017).

**Reason:**  
 It is important that Fareham responds to this consultation to raise the Government's awareness of specific issues which the Government's Draft National Air Quality Action Plan presents to the Council given the local circumstances and also to highlight further measures it could consider to reduce air pollution, and to potentially influence the contents of the final document when published.

**Cost of Proposals:**  
 Officer time in preparing consultation response can be met within existing operational budgets.

**Appendices:**

**Appendix A** - Consultation Response to "National plan for tackling nitrogen dioxide in our towns and cities"

**Background papers:** "Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities"

<https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>

**Reference papers:** None

# Executive Briefing Paper

**Date:** 13 June 2017

**Subject:** Response to "Draft national plan for tackling nitrogen dioxide in our towns and cities".

**Briefing by:** Head of Environmental Health

**Portfolio:** Health and Public Protection

## BACKGROUND

1. Since the Environment Act 1995, district councils have had a statutory duty to manage local air quality, this includes carrying out regular reviews and assessments such as monitoring work on busy roads and junctions for emissions of nitrogen dioxide and particulates from vehicle exhausts. The regime relies mainly on small filters (NOx tubes) placed near busy roads that are close to dwellings, these being "sensitive receptors" as people spend a lot of time in their homes.
2. Where pollution levels exceed the air quality objective levels, we have to designate air quality management areas (AQMA's) to tackle it. The Borough currently has two AQMA's, part of Gosport Road around the Elms Road / Redlands Lane area and the other in Portland Street. In addition to the Nox tubes, close to these areas we have continuous monitoring stations.
3. In addition to the district council / local authority regime, the government (DEFRA) carries out air quality computer modelling - based on roads, traffic use, vehicle ages etc. in order to assess compliance with EU Directives and inform government policy changes.

## INTRODUCTION

4. In April 2015 the environmental Group ClientEarth won a Supreme Court ruling against the government which ordered ministers to come up with a plan to bring air pollution down within legal limits as soon as possible. In November 2016 ClientEarth won a further Supreme court ruling against the government, this ruling found that the government's 2015 National Air Quality Plan failed to comply with the earlier ruling, in that it didn't go far enough to achieve compliance as early as possible.
5. Following the November ruling the government through DEFRA have produced a revised draft national air quality action plan, "Draft national plan for tackling nitrogen dioxide in our towns and cities". This was published on 5 May 2017 and is out for consultation until 15 June 2017. The plan names 40 UK towns and cities where positive action is necessary to reduce air pollution levels, based on data from computer modelling. Fareham is one of the towns listed.

6. Prior to the revised draft plan and since its publication, officers from Environmental Health and Planning have been liaising with DEFRA, to help them understand the unique local geography and the range of infrastructure projects both completed in recent years and those planned that will ease traffic congestion around Fareham.
7. There are a number of concerns regarding the draft national air quality Plan, which are summarised below and expanded upon in the consultation response at Appendix A:-
- DEFRA computer modelling does not accurately reflect the air quality situation locally.
  - The national regime is disjointed as DEFRA modelling and Local Authority modelling appear to be independent of each other.
  - The draft plan doesn't include enough Government policy around the use of diesel vehicles.
  - The current duties placed on District Council's needs to be addressed as any air quality issues are caused by road traffic and District Councils have little control over the roads infrastructure (they are not the Highway Authority).
  - Any sanctions associated with the use of the A32 would be harsh given the limited alternative travel options due to the fact that Gosport is a peninsular with no railway service.
  - Any sanctions regarding the use of older HGV/LGV use in and around Gosport could affect the local economy as it is already an area that suffers with low employment and many small businesses rely on these vehicles.
  - The best chance locally of improving air quality around the use of the A32, would be to unlock funding and complete the Stubbington Bypass.
8. The consultation sets out 8 specific questions to be answered, the response at Appendix A, sets out each of the questions posed by the consultation, together with the proposed response from the Council.

## **CONCLUSION**

9. It is important that Fareham respond to this consultation to raise the Government's awareness of specific issues which the Government's Draft National Air Quality Action Plan presents to the Council given the local circumstances and also to highlight further measures it could consider to reduce air pollution, and to potentially influence the contents of the final document when published.

### **Appendices:**

**Appendix A** - Consultation Response to "National plan for tackling nitrogen dioxide in our towns and cities"

**Background papers:** "Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities" - <https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>

**Reference papers:** None

## **Improving air quality: national plan for tackling nitrogen dioxide in our towns and cities (DEFRA) - Consultation Response Fareham Borough Council**

**Q. How satisfied are you that the proposed measures set out in this consultation will address the problem of nitrogen dioxide as quickly as possible?**

1. Not satisfied, the proposals only really place the emphasis on local authorities and aren't supported by national schemes e.g. National Scrappage Schemes, financial incentives, pressure on car manufacturers etc.

**Q. What do you consider to be the most appropriate way for local authorities in England to determine the arrangements for a Clean Air Zone, and the measures that should apply within it?**

**What factors should local authorities consider when assessing impacts on businesses?**

2. Local Authorities' are not defined within the document, there should be clear distinction between the responsibilities of unitary, County and District Authorities. There should also be clear differentiation between Authorities with Highway responsibility and those that do not, the responsibility for air quality should sit with the Highways Authority this should also include Highways England. The responsibility to implement Clean Air Zones should not rest with District councils, who are not responsible for the road network. The expertise should be at county/unitary level otherwise the resource requirements would be multiplied ten times over in Hampshire alone. However, should District Councils or anyone else be required to consider CAZ's this should be supported with appropriate funding and expertise.

In respect of businesses, many small businesses rely on often very old diesel LGV's. Any scheme which involves them no longer being able to use these or being charged a premium to do so could have a negative effect on local economies and therefore such schemes should be carefully thought through.

**Q. How can Government best target any funding to support local communities to cut air pollution? What options should the Government consider further, and what criteria should it use to assess them?**

**Are there other measures which could be implemented at a local level, represent value for money, and that could have a direct and rapid impact on air quality? Examples could include targeted investment in local infrastructure projects.**

**How can Government best target any funding to mitigate the impact of certain measures to improve air quality, on local businesses, residents**

**and those travelling into towns and cities to work? Examples could include targeted scrappage schemes, for both cars and vans, as well as support for retrofitting initiatives.**

**How could mitigation schemes be designed in order to maximise value for money, target support where it is most needed, reduce complexity and minimise scope for fraud?**

3. The behaviour changes required make a difference on travel choices need to be driven down from Government by changes to government policy/legislation. Whether this be vehicle subsidies, financial incentives for petrol vehicles, road tax based on mileage as well as engine efficiency, improved buses and rail services etc.

Local scrappage and retro-fitting schemes at local level would require resources at local level which do not currently exist to administer the schemes. There isn't a single practical solution to the air quality problem, within each area the solution will be unique in each area. Therefore government should listen to what each Council is saying would reduce pollution and direct fund those individual infrastructure projects which will make a difference e.g. By-passes, Busways.

In respect of our own area, Fareham, there is currently a major bypass planned (Stubbington bypass) which will alleviate the air quality hotspots within the Borough. This project is reliant on funding being released from the DfT, therefore if the funding could come through more quickly the scheme could commence earlier and not only improve air quality earlier but also have a positive effect on economic growth and housing locally.

**Q. How best can governments work with local communities to monitor local interventions and evaluate their impact?**

4. Move away from computer modelling for air quality and put in place more real passive monitoring at a local level, this should be a duty for district councils. However, where passive monitoring indicates the need for an AQMA, this should be a duty placed on unitary/county councils who have the Highway responsibility.

The roads problem cannot continue to be dealt with separately to the Environment Act duties currently placed on District Councils. We could see the situation where the UK complies with the Air Quality Standards Regulations 2010 by 2020 but still has hundreds of AQMA's over the country.



In addition the current responsibility for reporting to DEFRA placed on local Authorities is an annual requirement, often the schemes that will improve air quality are infrastructure projects that take years to complete, once completed they need to operate for at least a year before any resultant improvement's in air quality can be assessed. The current reporting regimes are excessive and resource intensive and often of little benefit.

**Q. Which vehicles should be prioritised for government-funded retrofit schemes?**

5. As a district council we have no expertise in this area, other than to say the most polluting Diesel engines

**Q. What type of environmental and other information should be made available to help consumers choose which cars to buy?**

6. There is a consumer confidence issue in this area as car manufacturers have mislead consumers in the past over emissions data. In addition, buying habits are not determined on environmental data. At present the most environmentally friendly cars are the most expensive, rather than data, further financial incentives attached to the least polluting cars would have more effect.

**Q. How could the Government further support innovative technological solutions and localised measures to improve air quality?**

7. As far as innovative technology solutions, we have no expertise in this area. To support localised measures, provide funding for infrastructure and transport related projects.

**Q. Do you have any other comments on the draft UK Air Quality Plan for tackling nitrogen dioxide?**

8. It seems that this very complex area is being considered in a hurried manner, there is no account of the Environment Act duties and there has been no review of where the responsibility for the various suggestions (and existing duties) should sit and there is no definition of local authority within the document.

