

FAREHAM

BOROUGH COUNCIL

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

Portfolio:	Health and Public Protection
Subject:	Response to "Draft national plan for tackling nitrogen dioxide in our towns and cities".
Report of:	Head of Environmental Health
Strategy/Policy:	None
Corporate Objective:	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 (AQMAs) 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