

FAREHAM

BOROUGH COUNCIL

Report to the Executive for Decision 03 September 2018

Portfolio:	Health and Public Protection
Subject:	Air Quality – Outline Business Case and Consultation Proposals
Report of:	Director of Planning and Regulation
Corporate Priorities:	Protect and Enhance the Environment A Safe and Healthy Place to Live and Work

Purpose:

This report has a dual purpose. The first is to provide a progress update to the Executive on the continuing works to meet the requirements of the compliance Directive which was issued to the Council by the Department for the Environment, Food & Rural Affairs on 27 July 2017 in respect of Air Quality. The second is to obtain authority from the Executive to undertake a public consultation on those measures that are being considered for submission as part of the Outline Business Case. If approved by JAQU at that stage, the measures will be presented as part of the Final Plans/ Final Business Case to be submitted before the end of the year. Following public consultation, the results of that consultation will be brought back to the Executive with the Outline Business Case in late October for approval for submission to JAQU.

Executive summary:

On 27 July 2017, the Department for the Environment Food and Rural Affairs (DEFRA) issued a Compliance Directive on Fareham Borough Council, along with the other (22) Authorities that were listed. This Direction required the authority to undertake, and submit by 31 March 2018, a Feasibility Study (Initial Plan/Strategic Outline Case). This was completed and the Strategic Outline Case submitted under delegated authority granted by the Executive following a report to its January 2018 meeting. This case set out a list of options which, if implemented, could make a positive difference to Air Quality within the study area. Since March officers have been working with consultants towards identifying exactly what the likely exceedance would be and also refining the option or options which will deliver compliance with legal limits. The authority must also submit a Final Plan/ Final Business Case by 31 December 2018 which must identify the preferred option or options to deliver compliance. Prior to this an Outline Business Case needs to be submitted to JAQU, this is likely to be ready towards the end of October. This report therefore seeks to obtain Executive approval to carry out a consultation on the current list of measures for six weeks from 4 September 2018 to the 8 October 2018. The results of the consultation and the Outline Business Case would then need to be brought to the Executive for approval in time for submission on 24 October 2018.

Recommendation:

It is recommended that the Executive approves the proposed consultation on the current list of Air Quality Improvement measures detailed in APPENDIX C.

Reason:

Before implementing any policies that would affect such a large proportion of the community, the Council should consult. Although the basis for this sits within Case Law, in this particular case it would be useful to understand the priority the general public would attach to each of the measures, to inform the final list and to also understand if there are any additional measures that could be implemented over the course of 2019, that have been overlooked.

Cost of proposals:

There are no costs associated with this proposal as the Joint Air Quality Unit are funding this work.

Appendices:

- A:** Air Quality study area
- B:** Fleet Composition 2021
- C:** List of measures
- D:** Project Timeline

Background papers: None

Reference papers: None

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Executive Briefing Paper

Date:	03 September 2018
Subject:	Air Quality – Outline Business Case and Consultation Proposals
Briefing by:	Director of Planning and Regulation
Portfolio:	Health and Public Protection

INTRODUCTION

1. In November 2016, the non-profit environmental law organisation ClientEarth won a Supreme Court ruling against the Government. The ruling ordered ministers to come up with a plan to bring down air pollution levels within the UK to fall within legal limits as soon as possible.
2. The latest plan, “The UK plan for tackling roadside nitrogen dioxide concentrations” was published in July 2017. Fareham Borough Council was highlighted as one of the Authorities required to produce a targeted local plan to tackle likely exceedances of Nitrogen dioxide levels.
3. The area of likely exceedance highlighted by this plan for Fareham relates to an area of road from the Delme roundabout through Eastern and Western Way and onto the A27 by Fareham train station. It includes the A32 branch from Market Quay ‘through-about’ and branching into the Portchester Road A27. These areas are as outlined in Appendix A.
4. On 27 July 2017, the Department for the Environment Food and Rural Affairs (DEFRA) issued a Compliance Directive on Fareham Borough Council, along with the other (22) Authorities that were listed. This Direction required the authority to undertake and submit by 31 March 2018 a Feasibility Study (Initial Plan/Strategic Outline Case). This was completed and the Strategic Outline Case submitted under delegated authority granted by the Executive following a report to its January 2018 meeting. This case set out a list of options which, if implemented, could make a positive difference to Air Quality within the study area.
5. There are many sources of nitrogen dioxide, however the principal cause nationally is vehicle exhaust emissions. Since 1992 new engines have had to meet Euro Standards on emissions. The latest Standard is Euro VI for diesel engines and the improvement between Euro V to Euro VI is vast. The Euro VI standard was introduced from September 2015. Diesel engines prior to this date are the worst polluters in terms of Nitrogen Dioxide.

6. The government set up the Joint Air Quality Unit (JAQU), who have set out the process Local Authorities must follow and are directing this work. JAQU are funding the work that has been justified to them.
7. Since March officers have been working with consultants towards identifying exactly what the likely exceedance would be and also refining the option or options which will deliver compliance with legal limits. The authority must also submit a Final Plan/ Final Business Case by 31 December 2018 which identifies the preferred option or options to deliver compliance. Prior to this an Outline Business Case needs to be submitted to JAQU; this is likely to be ready towards the end of October.
8. The National Plan was based on the National Pollution Climate Model data, which the Government used in producing its plan. In December 2017, a week long, 24 hour ANPR traffic survey was undertaken within the study area in Fareham. The data from this was used to identify the number and type of vehicle that makes up the local fleet; that information was then used to calculate pollution in terms of Nitrogen Dioxide. Once this work was completed, the dataset was adjusted for factors such as gradient and weekend flow differences, where receptors (public exposure) was likely etc.
9. Whilst the evidence is currently being finalised, early indications show there is not likely to be any exceedances of EU limits from 2021 forward within the study area. It does show however that there is likely to be a small exceedance of the $40\mu\text{g}\text{m}^{-3}$ limit during 2020. This exceedance is estimated to be $40.9\mu\text{g}\text{m}^{-3}$. It is generally accepted that in time the improvements in engine technology will see the fleet locally come into compliance; the problem is that the health effects in the meantime of poor air quality is causing around 40,000 premature deaths nationally each year.
10. The current focus of this project is to finalise the likely exceedance level and agree that with JAQU. At the same time, it is necessary to refine the measures detailed in the Strategic Outline Case to a shorter list of measures which will achieve the very small reduction in NO_2 within the study area.
11. At the same time as developing the initial list of measures, the process defined by JAQU require a Benchmark option to be determined. This, where possible, should be one of the four types of Charging Clean Air Zone (CAZ). This would be the option that would achieve compliance in the shortest possible time in the absence of another option. JAQU are insisting that the benchmark option for Fareham to be a CAZ A. This is the type which affects the least amount of vehicle groups i.e. Buses, Coaches and Taxis/Private Hire vehicles. It is highly unlikely that in the absence of any other measures a CAZ could be put into place before the end of 2019.
12. The local fleet composition is within Appendix B. In line with the National fleet the majority are diesel vehicles. The general approach to refining the measures is to look at those which can be implemented during 2019 so that the benefit can be seen in 2020. A second factor is to focus on measures where the NO_2 reduction is calculable. As the reduction required to achieve compliance is so small, it is understood that any measure that affects any of the more polluting vehicle types would be appropriate regardless of their contribution to the fleet as a whole.
13. The initial list comprised 60 measures; these were scored based on Primary and Secondary success factors. The Primary factor was whether each measure could deliver compliance in the shortest possible time, this now means during 2019. The Secondary factor was a combination of factors following JAQU guidance. These were:

Strategic and wider Air Quality fit; Affordability; Supply side capacity and capability; Achievability; Distributional impacts and Value for money.

14. This resulted in a smaller list of measures, which were presented within the Strategic Outline case in March. Since then, as the potential exceedance has been defined and more is known about the fleet, work is currently progressing to reduce that list to a final shorter list of measures which will achieve the very small reduction in NO₂ that is required within the study area.
15. The list of measures that are now being refined can be seen in Appendix C. Some of these will not now be viable due to the reduced period for implementation (2019). The council's consultants are currently working on the reduction to NO₂ each measure is likely to achieve before a decision is taken as to which measure(s) will be put forward for the Outline Business Case and Final Business Case.
16. Before implementing any policies that would affect such a large proportion of the community, the Council should consult. Although the basis for this sits within Case Law, the leading case is *Moseley v London Borough of Haringey* 2014, another key case is *Draper v Leicestershire* 2014. Both require consultation to be carried out when policy proposals affect a significant issue or number of service users at a formative stage of the proposals (in order to influence options and final decision) to be timely, meaningful, providing all relevant information and sufficient time for response. In terms of time for consultation, Cabinet office guidance sets best practice at 12 weeks but that time can be reduced if local circumstances demonstrate that is reasonable in the circumstances such as a very focused issue. This is a very focussed issue and also the deadlines that are being imposed by JAQU are difficult. These are being driven by the "shortest possible time" ruling. In this instance, it is suggested that a 5 week consultation would be sufficient.
17. This report therefore seeks to obtain Executive approval to carry out consultation on the current list of measures for 5 weeks from 4 September 2018 to the 8 October 2018. The communications team would take a proactive approach with all communications, both in the lead-up to, and during consultation to ensure reaching the widest possible audience. Analysis would be ongoing to ensure the results of the consultation and Outline Business Case could be brought to the Executive for approval in time for submission on 24 October 2018. This project has had very challenging deadlines from the start, this unsurprisingly continues to be the case. If the Outline Business Case is submitted for the 24 October deadline there is just about time for the 8-week review required by JAQU before submission of our Final Plans/Final Business Case by the end of the year. The project milestones can be seen in Appendix D.

Enquiries:

For further information on this report please contact Ian Rickman (ext 4773)