

SUBJECT:	<i>Update on the new Local Air Quality Management Guidelines in England.</i>
REPORT OF:	<i>Cabinet Member for Healthy Communities – Councillor Graham Harris</i>
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1. Purpose of Report

Update on the new Local Air Quality Management Guidelines in England, including the new framework for Clean Air Zones, and to highlight potential policies for inclusion in the emerging Local Plan.

RECOMMENDATIONS

Members to note:

- the completion of the statutory annual status report (ASR) for air quality in Chiltern (appendix 1)
- the potential opportunities moving forward for a new Air Quality Steering Group,
- Officers will be working with Planning Policy to strengthen air quality policies in the emerging local plan.

2. Executive Summary

Air quality in Chiltern is good, and the NO_x levels in the Air Quality Management Area in Chesham are improving following the implementation of the Air Quality Action Plan; some of the actions have been published as good practice in National Guidance.

The local air quality monitoring and reporting guidelines have been updated by Defra, allowing for a more streamlined approach, the fast tracking of new Air Quality Management Areas, and the ability to create Clean Air Zones. This report provides a summary of the changes. As part of the ongoing work to improve air quality in the district in general, and particularly in the Air Quality Management Area of Chesham, it is necessary to set up a steering group. The report also highlights the need to include air quality policies in the emerging local plan.

3. Content of Report

Air Quality Background

Under the Environment Act 1995 all district authorities are obliged to review and assess air quality in line with the Government's air quality strategy published in 2000 (updated in 2007 and 2016). The Annual Status Report for Chiltern is attached as appendix 1.

Local:

The Local Air Quality Management (LAQM) system across the UK has changed. England has adopted a new streamlined approach which places greater emphasis on action planning to bring forward improvements in air quality and to include local measures as part of EU reporting requirements. It also sees the introduction of an air quality Annual Status Report (ASR) for England (latest version attached), to reduce the burden of the cycle of Updating and Screening Assessments, Progress Reports, Detailed Assessments, Further Assessments and Action Plan Progress Reports, with an option to fast track Air Quality Management Areas

The guidance supports Authorities to appraise air quality, with the main emphasis on those pollutants shown to be challenging in respect of compliance – Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀), whilst introducing a new role for local authorities to work towards reducing levels of PM_{2.5}.

The Technical Guidance supports the wider central government shift towards evidence-based action planning for the benefit of public health and wellbeing.

The Public Health Outcomes Framework (PHOF) is a Department of Health data tool for England, intended to focus public health action on increasing healthy life expectancy and reducing differences in life expectancy between communities. The tool uses indicators to assess improvements. Recognising the significant impact that poor air quality can have on health, the PHOF includes an indicator relating to fine particulate matter (PM_{2.5}).

This is intended to enable Directors of Public Health to prioritise action on air quality in their local area to help reduce the health burden from air pollution.

The Chiltern Air Quality Action Plan is well established, and many of Chilterns successful actions have been quoted in the national guidance as examples of good practice. It will be updated in the coming 12 months to reflect the above changes, and will establish links to other key policy areas and establish a steering group with key stakeholder groups.

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National:

Following consultation, Defra published the policy paper: "Air quality in the UK: plan to reduce nitrogen dioxide emissions" (2015), which was made up of:

- UK overview document
- Technical Report
- List of UK and National measures
- The individual zone plans for the 38 air quality zones

These form the government's plan for reducing nitrogen dioxide emissions as part of its commitment for cleaner air. The air quality plans set out targeted local, regional and national measures.

CDC falls within the South East (UK0031) region plan. This zones status is:

"The assessment undertaken for the South East non-agglomeration zone indicates that the annual limit value was exceeded in 2013 but is likely to be achieved before 2020 through the introduction of measures included in the baseline".

The actions from the CDC Air Quality Action Plan are listed within the above document in the "Relevant Local Authority Measures" section of the report.

Following on from the policy paper, the government published: "Improving air quality in the UK: Tackling nitrogen dioxide in our towns and cities. UK overview document", (December 2015).

In England, the Government will legislate to require the implementation of Clean Air Zones in five cities (Birmingham, Leeds, Nottingham, Southampton and Derby). London already has plans in place to bring in their Ultra Low Emission in 2020. Other local authorities can potentially also adopt Clean Air Zones as a way to focus their action to improve air quality.

The Government will set out a clear Framework for Clean Air Zones which will include the important principles that need to be consistent from city to city, for example which vehicle standards to apply, to ensure Clean Air Zones are implemented in the same way by local authorities across England.

Setting out the principles in this way will support both those authorities required by Government to implement a Clean Air Zone and those who, after analysing their own situation, consider a Clean Air Zone to be an appropriate measure to bring in.

Some local authorities may wish to implement a Clean Air Zone operating on a voluntary basis (i.e. without charging). In a similar manner to a standard Clean Air Zone, one

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operating on a voluntary basis would use signs along the access routes to clearly delineate the Zone but vehicles that did not meet the standards would not be charged. Such a Zone could be rapidly implemented and would raise public awareness of air quality where it is an issue and act as a focus for targeting additional action.

Operating a Clean Air Zone in this way would provide a route for local authorities to deliver benefits by supporting behaviour change without imposing direct financial burdens. The suitability for this within Chiltern will be assessed and reported back to members.

With the above Local, Regional and National objectives in mind, it is proposed that an Air Quality Steering group for CDC be established, with relevant officers and external bodies being constructively engaged in agreeing measures to improve air quality and meet the legal requirement to work towards air quality objectives.

The Policy Guidance states:

“The following, in particular, should engage constructively in improving air quality:

- *transport planners;*
- *local highway authorities;*
- *land use planners;*
- *environmental protection and energy management officers;*
- *waste managers;*
- *economic development, regeneration or tourism functions;*
- *corporate policy and resources;*
- *Environment Agency;*
- *Highways Agency.*

The involvement of the local authority Chief Executive, or equivalent, with these meetings would help ensure a fully corporate approach.”

The emerging Local Plan.

The importance of the role of the planning regime in controlling air pollution was recognised in the March 2012 National Planning Policy Framework (NPPF), by the identification of air pollution as a material planning consideration (DCLG 2012). Paragraph 109 of the NPPF refers to the generality of its role:

The planning system should contribute to and enhance the natural and local environment by:

- *preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, **air**, water or noise pollution or land instability (DCLG 2012).*

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More specifically it exemplifies the inter-relationship between planning and air pollution in the following paragraphs:

Paragraph 120: To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

Paragraph 124: Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local Air Quality Action Plan. (DCLG 2012).

During the consultation phase of the emerging Local Plan, Environmental Health has proposed that the following policy be taken forward from the November 2011 Local Plan:

Policy GC9: Throughout the District, the Council will not grant permission for any development likely to generate unacceptable levels of air, water or ground pollution or give rise to pollution problems resulting from the disturbance of contaminated land. The Council will also refuse any development that would be in close proximity to existing sources of pollution. In appropriate cases the Council will positively support proposals for the alleviation of pollution. Where development is acceptable in accordance with this Policy, planning permission will be granted provided that other Policies in this Local Plan would also be complied with.

We would also propose that the above policy is extended to consider the following:

Local Plans can affect air quality in a number of ways, including through what development is proposed and where, and the encouragement given to sustainable transport. Therefore in plan making, it is important to take into account air quality management areas and other areas where there could be specific requirements or limitations on new development because of air quality. Air quality is a consideration in Strategic Environmental Assessment and sustainability appraisal can be used to shape an appropriate strategy, including through establishing the 'baseline', appropriate objectives for the assessment of impact and proposed monitoring.

Drawing on the review of air quality carried out for the local air quality management regime, the Local Plan may need to consider:

- the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;
- the impact of point sources of air pollution (pollution that originates from one place); and,

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- ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.

The above will be fed back through the decision making process for the emerging Local Plan.

5. Corporate Implications

5.1 Financial

The Senior Air Quality Officer will be responsible for implementing the Steering Group and updating the Air Quality Action Plan.

5.2 Legal

Local authorities have a duty under section 83(1) of the 1995 Act to designate those areas where the air quality objectives are unlikely to be, or are not being, met as Air Quality Management Areas (AQMAs). These areas have to be designated officially by means of an 'Order'. The European Commission has formally launched infraction proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive. Defra has recently reminded Local Authorities of the discretionary power in Part 2 of the Localism Act under which the Government could require responsible authorities to pay all or part of an infraction fine. The procedures are set out in a policy statement published by DCLG.

5.3 Environmental Issues and Sustainability

Air pollution is both an environmental and health issue and the report considers the most effective way of following statutory guidance in order to highlight the air quality issues in the Chiltern area and provide evidence on the need to mitigate.

6 Links to Council Policy Objectives

We will strive to conserve the environment and promote sustainability

- Conserve the environment
- Promote sustainability

List of Background Papers:

Environment Act 1995

Annual Status Report 2016

Local Air Quality Management Technical Guidance (16) Defra

Local Air Quality Management Policy Guidance (16) Defra

Appendix 1

ASR REPORT (see attached document)

Appendix 2 Consultation

Schedule 11 of the 1995 Act requires local authorities to consult:

- The Secretary of State;
- The Environment Agency;
- The highways authority;
- In London, the Mayor (for London authorities only);
- All neighbouring local authorities;
- The county council (if applicable to English local authorities);
- Any National Park authority;
- Other public authorities as appropriate; and
- Bodies representing local business interests and other organisations as appropriate.

Further, paragraph 4 of schedule 11 states that within the Environment Act 1995 there is a provision for public access to information. As well as the Review and Assessment reports on which they are required to consult, local authorities should proactively make available copies of:

- orders designating an air quality management area;
- action plans;
- county council proposals for measures to be included in the action plan; and
- any directions given to the district or county council by the Secretary of State.