REPORT TO: Management Board
Cabinet

DATE: 12 November 2018
14 November 2018

SERVICE AREA: Community – Safer Communities

REPORTING OFFICER: Head of Safer Communities – Dean Richardson
Environmental Protection Manager - Jill Reeves
Technical Officer - Emily Revill

SUBJECT: ENVIRONMENT ACT 1995 PART IV LOCAL AIR QUALITY MANAGEMENT: DRAFT AIR QUALITY ACTION PLAN FOR HARROGATE, KNARESBOROUGH AND RIPON AIR QUALITY MANAGEMENT AREAS

WARD/S AFFECTED: ALL DISTRICT

FORWARD PLAN REF: Key Decision No. C62Sep03

1.0 PURPOSE OF REPORT

1.1 To present the draft Air Quality Action Plan for the Air Quality Management Areas for Harrogate, Knaresborough and Ripon (Appendix A) to Cabinet for agreement prior to it being submitted to Department for Environment, Food and Rural Affairs (DEFRA) for final approval.

2.0 RECOMMENDATION/S

2.1 That the draft Air Quality Action Plan for the Air Quality Management Areas for Harrogate, Knaresborough and Ripon is agreed (Appendix A).

2.2 The Cabinet Member for Sustainable Transport is given authority to endorse the Air Quality Action Plan once any comments have been received from DEFRA and any final amendments have been made.

3.0 RECOMMENDED REASON/S FOR DECISION/S

3.1 Local authorities have a statutory duty under the Environment Act 1995, Part IV to produce an Air Quality Action Plan where Air Quality Management Areas have been declared.

Action to manage and improve air quality is also required by European Union (EU) legislation. The 2008 ambient air quality directive (2008/50/EC) sets legally binding limits for concentrations in outdoor air of major air pollutants that impact
public health including nitrogen dioxide (NO2).

4.0 ALTERNATIVE OPTION/S CONSIDERED AND RECOMMENDED FOR REJECTION

4.1 We have a statutory duty to produce the Action Plan so no alternative option is available.

5.0 THE REPORT

5.1 Local authorities have a statutory duty under Part IV of the Environment Act 1995, to produce Air Quality Action Plans following the declaration of an Air Quality Management Area (AQMA). Guidance issued by the Department for Environment, Food and Rural Affairs (DEFRA) recommends that local authorities should aim to produce their Action Plan within 12 months of a declaration. The Action Plan should include measures to show how air quality will be improved.

5.2 Harrogate Borough Council declared two AQMAs in November 2010 for Bond End Knaresborough and Low and High Skellgate Ripon. A further two AQMAs were declared in October 2017 at Wetherby Road Harrogate (Woodlands Junction) and at York Place Knaresborough. The four AQMAs were all declared for breaches of the nitrogen dioxide objective.

5.3 Over the past year an Officer Working group which includes officers from Harrogate Borough Council’s Environmental Protection, Transport Planning, Forward Planning, Economic Development and Fleet Management teams and officers from North Yorkshire County Council’s Highways and Transportation and Public Health teams have developed a draft Action Plan.

5.4 A Steering Group chaired by the Cabinet Member Sustainable Transport and made up of elected members from wards with AQMAs and lead officers from the council and NYCC was also set up in accordance with the technical guidance.

5.5 The officer working group came up with a number of possible actions that could be considered for inclusion in the Action Plan. These were discussed in detail and scored to determine which were deliverable, by which service, along with potential costs and timescales. The full list of issues considered by the group and reasons for pursuing or not pursuing is available as a background paper.

5.6 The top 10 options were shared with the Steering Group who agreed that they were suitable to be included in the draft Action Plan which would be subject to public consultation.

6.0 CONSULTATION

6.1 As part of the Action Plan development process there is a requirement to consult statutory consultees and the public on the proposed measures to improve air quality and reduce the level of nitrogen dioxide in the four AQMAs.

6.2 Statutory consultees were notified of the consultation and invited to respond.

6.2 For the public consultation a questionnaire was placed on the council’s website.
Letters were sent out to all residents living within the AQMAs inviting them to respond to the consultation. Contact was also made with local businesses, Chambers of Trade, City, Town and Parish Councils and all elected members inviting them to respond. The questionnaire was also promoted through digital media.

7.0 CONSULTATION RESPONSE

7.1 There were 117 responses to the consultation with 21% living within AQMAs. A summary of the consultation responses is shown in the draft Action Plan. The key points were;
- 86% of respondents were seriously or moderately concerned about air quality
- There was a lot of support for all of the proposed actions
- The top 3 choices were
  - Traffic light optimisation
  - Work with HGV, bus and taxi providers to improve the quality of fleets
  - Improve cycle routes and facilities
- Respondents indicated that they were willing to walk or cycle more often, use the bus and use a lower emission vehicle in future to help improve local air quality.

7.2 Respondents were asked to provide comments or suggestions relating to improving air quality across the district. Many of the comments were in support of the proposed actions other suggestions included;
- Introduction of park and ride schemes
- By-pass
- Introduction of more smoke control areas
- Congestion charging

7.3 These actions have previously been considered by the officer working group but not added as actions in the current action plan due to feasibility and cost issues. They have been identified for further consideration in future years in the Action Plan.

8.0 REQUIRED ASSESSMENTS AND IMPLICATIONS

8.1 The following were considered: Financial; Human Resources; Legal; ICT Implications; Strategic Property/Asset Management Considerations; Risk Assessment; Equality and Diversity (the Public Sector Equality Duty and impact upon people with protected characteristics). If applicable, the outcomes of any consultations, assessments, considerations and implications considered necessary during preparation of this report are detailed below.

8.2 Finance

8.2.1 The Finance team made some general comments on the report.

8.2.2 Grant Funding - Consideration will be given to applying for grant funding from DEFRA’s Air Quality Grant Programme and other grants which support eligible expenditure by local authorities on their air quality management duties under Part IV of the Environment Act 1995.
8.2.3 **Additional Resources** - Air quality management work is currently undertaken by a 0.5 FTE scientific officer in the Environmental Protection team. The work required to lead on the delivery of the outcomes of the Action Plan will be over and above the existing resource. An additional 0.5 FTE officer was temporarily employed for 1 year (July 2017 - July 2018) to assist with the development of the Action Plan and with other work on air quality management. Resources will be reviewed and a further report will be presented to MB if additional resources are required.

8.3 **PLACE SHAPING AND ECONOMIC GROWTH**

8.3.1 Place Shaping and Economic Growth were consulted during the preparation of this report and had no additional comments to make.

8.4 **NYCC**

8.4.1 NYCC were consulted during the preparation of this report – no comments were received.

8.5 **HUMAN RESOURCES and ICT IMPLICATIONS** - Consultation with Human Resources and ICT was not necessary during the preparation of this report.

8.6 **LEGAL IMPLICATIONS**

8.6.1 Legal Services have had the opportunity to read and comment upon this report and there are no legal issues which involve significant risk to the Council.

8.7 **RISK ASSESSMENT**

8.7.1 A risk assessment has been undertaken the major risks are outlined below.

8.7.2 We would be failing in our statutory duty if we did not produce an Air Quality Action Plan.

8.7.3 Not achieving the air quality targets nationally means not complying with EU law and consequently, this is a risk for the council. Failing to take action on air quality could have financial implications for the council. If national air quality targets are not met, the UK government could face EU fine. The Localism Act provides central government with powers to pass those fines on to local authorities if they have failed to take action when they could.

8.7.4 Air pollution adversely affects human health, and has been estimated to account for over 29,000 premature deaths each year and is expected to reduce the life expectancy of everyone in the UK by 6 months on average, at a cost of around £16 billion per year. Air pollution has short and long term health impacts, particularly for respiratory and cardiovascular health, including increased hospital admissions. Overall the adverse effects of elevated air pollution are such that it has a bigger impact on life expectancy than road traffic accidents and passive smoking. Air pollution also damages biodiversity, reduces crop yields and contributes to climate change.

8.8 **EQUALITY AND DIVERSITY**
8.8.1 An equalities impact assessment has been completed and an action plan produced to review the Action Plan, continue monitoring air quality and report to DEFRA annually. There is no impact on any protected characteristics.

9.0 CONCLUSIONS

9.1 Local authorities have a statutory duty under the Environment Act 1995, Part IV to produce an Air Quality Action Plan where Air Quality Management Areas have been declared.

9.2 A draft Action Plan (Appendix A) has been produced following extensive consultation. The final measures included in the plan are;

- Produce an Electric Vehicle Strategy
- Engineering works to improve traffic flow at the Bond End junction Knaresborough
- Investigate options for an engineering solution to help improve traffic flows at Low Skellgate Ripon
- Traffic light optimisation
- Air quality campaigns and education
- Improve planning conditions and develop an area wide planning document to assist developers in meeting air quality obligations
- Improve cycle routes and facilities
- Work with HGV, Bus and Taxi providers to improve the quality of their fleet,
- Work with HGV and Bus providers to improve route planning to minimise their impact on air quality
- Work with NYCC Public Health service on their ‘Walk to Health’ initiative

9.3 Consideration will be given to applying for grant funding from DEFRA’s Air Quality Grant Programme and other grants which support eligible expenditure by local authorities on their air quality management duties under Part IV of the Environment Act 1995.

9.4 The work required to deliver the outcomes of the Action Plan will be over and above the existing resource available within the Environmental Protection team. Resources will be reviewed and a further report will be presented to MB if additional resources are required.

Background Papers –

OFFICER CONTACT: Please contact Jill Reeves (Environmental Protection Manager) or Emily Revill (Technical Officer), if you require any further information on the contents of this report. The officers can be contacted at Environmental Protection Civic Centre 01423 500600 ext. 58520 or ext. 58523 or by e-mail – Jill.reeves@harrogate.gov.uk, Emily.revill@harrogate.gov.uk