

BARNSLEY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not* been included in the relevant Forward Plan

**Report of the Executive
Director, Place Directorate**

THE RELEASE OF A REVISED AIR QUALITY ACTION PLAN FOLLOWING CONSULTATION

1. Purpose of report

- To inform members of the outcome of the consultation process for the Barnsley MBC Air Quality Action Plan.
- To seek members approval for the release of the Action Plan, and implement the actions contained within.

2. Recommendations

It is recommended that:

- 2.1 Members note the outcome of the statutory consultation and subsequent amendment of the Plan; and recommend release of this Plan and implementation of actions contained within.

3. Introduction

- 3.1 Members will recall the production of the revised Air Quality Action Plan and their approval for release for formal consultation and further discussion, including stakeholders external to the Council (Cab 21.09.2016/9 Item 85 refers). This Plan replaces the existing one, produced in 2012.
- 3.2 To recall, the Plan has been developed in order to improve air quality in Barnsley's air quality management areas (AQMA's), and the Borough as a whole. Previous assessments of the Borough's air quality have highlighted several areas requiring the declaration of AQMA's, for which Cabinet approval has been granted. All of these AQMA's were declared due to traffic emissions causing exceedance of the annual average standard for the polluting gas nitrogen dioxide.
- 3.3 Following cabinet approval, statutory consultation on the Plan was undertaken between 1st November and 16th December 2016, and comments were invited from stakeholders within and external to the Council. The

consultation primarily consisted of a questionnaire on the Council consultation portal, asking for comment. The portal therefore has access to all those wishing to comment. In addition, several organisations were contacted directly, advising them of the opportunity to comment. These organisations are listed in appendix A.

- 3.4 The received consultation comments are discussed below. No fundamental change of the Plan was subsequently required, and no actions rejected as a result of the consultation. The number of comments received was very low.
- 3.5 Concern was raised by Langsett Parish Council that the proposed actions to improve air quality within AQMA 6 (Langsett) were too vague and without timelines. This AQMA was declared due to traffic emissions along the A616 trunk road which passes through the village, with Highways England being the authority for this road. The Council's position is that Highways England have a responsibility for reducing emissions from their road network. Consequently, the Council has ongoing dialogue with Highways England; more recently regarding their proposals for the general upgrade of this route between Greater Manchester and South Yorkshire, and the subsequent impact on air quality. Although this dialogue has proved challenging at times; recently, following a meeting involving the Parish Council and Highways England, there has now been an expression of renewed commitment from Highways England to work with ourselves and the Parish Council. This Service is therefore working to progress this issue.
- 3.6 The Environment Agency commented on the Plan. Whilst the Agency were generally supportive, they recognised that the Plan was primarily focused on reducing traffic emissions. Consequently the Agency raised several issues regarding emissions from stationary sources (industry and domestic sources). These have been subsequently addressed within the final version by linking these comments to those actions within the Plan which deal with emissions from industrial and domestic sources.
- 3.7 Public Health also made several comments, particularly involving general awareness raising of air pollution and its impact. Regulatory Services will subsequently work with Public Health to address these issues, including assessing the feasibility of disseminating air quality bulletins more widely.
- 3.8 A resident of Hoyland Common raised several general concerns regarding the Plan, including the impact of diesel vehicles and how the planning process deals with the air quality impact of new development. Following the consultation, these concerns are now being addressed directly with the resident.
- 3.9 A resident of Kendray has noted the predicted uptake in electric vehicles, and asks whether this uptake can be further incentivised amongst Council employees by the Council offering an assisted purchasing scheme for these vehicles. Consequently, this issue has been raised with the relevant Council department, who state that assisted purchase schemes no longer exist within the Council.

- 3.10 There were also comments from two members, one relating to smoking in public places, which has been referred to Public Health for comment, the other relating to the uptake of electric vehicles. Consequently, the Plan has been revised to further emphasise the future important role of these vehicles, and how accelerated uptake can have air quality benefits.
- 3.11 Following approval by Cabinet, the Plan will also be submitted to Defra, with progress on the Plan being then statutorily reported to Defra on an annual basis (the Annual Status Report). The Plan will also be made available via the Council's air quality web page (<https://www.barnsley.gov.uk/services/pollution/air-pollution/air-quality/>). Progress with the Plan will also be scrutinised by the Council's Air Quality Action Plan Steering Group. It is intended that the next meeting of the Steering Group will take place in Spring 2017, in order to meet Defra deadlines for submission of the Annual Status Report.

4. Consideration of alternative approaches

- 4.1 Local air quality management is a statutory duty, including consultation on the draft plan. Following cabinet approval of the final version, the plan will be forwarded to Defra, including a summary of the consultation process. Progress with local air quality management has to be reported to Defra on an annual basis. Any non-adoption of the plan may be interpreted by Defra as Barnsley MBC not showing the necessary commitment in meeting its statutory local air quality management duties. Consideration also should be given to the potential local health benefit of the plan, and this not being realised if the plan did not proceed.
- 4.2 Due to continuing failure of the UK Government to meet EU limit values for nitrogen dioxide gas, the EU started legal proceedings against the UK Government in 2014. As a consequence, the UK Government was required to produce a National Air Quality Action Plan, containing national and local actions (including the introduction of mandatory "Clean Air Zones" into several UK cities). Consequently, this action plan was challenged in the UK High Court by a group of UK environmental lawyers in 2016, on the grounds of the National Plan not being sufficiently ambitious to meet legal limits in the shortest possible time. The High Court upheld this challenge, and ordered that the Government revise these plans, taking into account the legal challenge. Government accepted the ruling and now intend that a revised National Plan will be ready for consultation on 24th April 2017, with a view to release the final version on 31st July 2017.
- 4.3 Clean Air Zones are areas where action is focussed to improve air quality and the cleanest vehicles are encouraged. They combine immediate action to improve air quality with broader approaches. Where there are the most persistent pollution problems this is supported by access restrictions for the most polluting vehicles.

- 4.4 Early indications suggest that the revised National Plan could be more ambitious than the first Plan, although this will not be confirmed until release of the consultation draft. Should this be the case however, this may have implications for Barnsley and the wider Sheffield City Region, particularly if there is an increased requirement for mandatory Clean Air Zones within the City region for instance. Consequently, if the National Plan has significant impact in Barnsley (and our Action Plan) or the City Region, then the implications will be reported to cabinet in due course.
- 4.5 Consideration was given to delay the publication of the final version of the Barnsley Plan in light of the above. It should be noted however that the revision of the National Plan did not form part of the original consultation (the High Court ruling was made after the start of the consultation). Should there be significant impact for the Borough, this can be addressed with a further revision of the Plan, if this is deemed necessary. It is therefore intended that the Plan as it currently stands shall go forward, subject to Cabinet approval.

5. Proposal and justification

- 5.1 This report proposes that members support the release of the revised air quality action plan. Adoption of the plan is required in order to secure air quality improvement (with associated health benefits) in order to meet the Council's statutory obligations and work towards attainment of UK and European Union air quality limit values.

6. Implications for local people / service users

- 6.1 Implementation of actions within the plan will assist in reducing local people's exposure to ambient air pollution, both within the Borough's AQMAs, and in the Barnsley MBC area as a whole. This reduction will have associated health benefits.

7. Financial implications

- 7.1 Consultations on the financial implications have taken place with representatives of the Director of Finance, Assets & IT.
- 7.2 There will be minimal staffing resources required in the subsequent implementation of the plan, the costs of which will be contained within the services' existing staffing requirements..
- 7.3 At this stage the cost of any required remedial actions are unquantifiable. Further reports will therefore be presented to Cabinet once recommendations have been investigated and the specific financial implications of these have been calculated.

8. Employee implications

- 8.1 There are no employee implications.

9. Communications implications

- 9.1 Improving local air quality will assist in making the Borough a healthier and more attractive place for people who live, work or visit.

10. Consultations

- 10.1 This report details the outcome of the statutory consultation.

11. The Corporate Plan and the Council's Performance Management Framework

- 11.1 A Corporate Plan performance indicator has been being developed for air quality - *CO25 Air quality nitrogen dioxide levels – microgrammes per cubic metre under Outcome 11 – Strong and Resilient Communities, Protecting the borough for future generations (target date for achievement being 2020)*. The target of 40 microgrammes per cubic metre relates to the annual average European Limit Value, and is the standard that the actions within the plan are aimed at achieving.

12. Tackling health inequalities

- 12.1 Nationally, it is recognised that areas of poor air quality tend to be typically located in areas which are less economically advantaged. Improving air quality in these locations subsequently contributes towards improving social cohesion. Less economically advantaged areas tend also to experience poorer health, so general improvement in air quality will also be of further benefit.

13. Climate Change & Sustainable Energy Act 2006

- 13.1 Actions to reduce emissions of local air pollutants will generally have a beneficial impact on carbon reduction.

14. Risk management issues

- 14.1 UK legislation originally required local authorities “to work towards” achieving the standards, with the nitrogen dioxide annual average air quality standard originally expected to be achieved by 2010 within the UK. Following widespread continued breaching of the objective (and EU limit value) within Europe and the UK however, the EU started legal proceedings against the UK Government, requiring them to submit plans to them, detailing actions to meet the EU limit values for nitrogen dioxide in the shortest possible time. Any subsequent delay in meeting the standards **could** result in the UK Government being fined. This situation is however now very unclear following the result of the EU referendum.
- 14.2 This may however have implications for Barnsley MBC, as there is a possibility that local authorities could become liable to pay these fines to central Government under the Decentralisation and Localism Act. This is a

continuing issue and a definitive position has still yet to be reached. Regulatory Services continue to monitor developments and should it prove necessary, this Service will report back to Cabinet.

14.3 Risk Description Table:

Risk Description	Solution / Mitigation	Risk Level
Non-attainment of EU annual average limit value for nitrogen dioxide	Report to Defra on progress with Barnsley MBC actions to improve air quality, in order to demonstrate to Defra that Barnsley MBC is meeting its air quality obligations. In addition, to continue to bring to Defra's attention the need for national actions to ensure compliance.	High, but will be reduced by the mitigating actions in the action plan
Imposition of fines on Barnsley MBC due to non-attainment of EU annual average limit value for nitrogen dioxide by 2015	This situation is still unclear. Regulatory Services will monitor developments and should it prove necessary, this Service will report back to Cabinet.	Currently not known
National Air Quality Plan may require Clean Air Zone (along with other UK towns and cities)	Consultation starts April 2017, with revised plan due July 2017	Cabinet report explaining implications and response to national plan consultation

15. Compatibility with the European Convention on Human Rights

- 15.1 Revising the Action Plan, followed by a statutory consultation, is considered to be compatible with the European Convention on Human Rights.

16. Promoting equality, diversity, and social inclusion

- 16.1 The Equality and Inclusion Manager was consulted in order to ensure that the plan was made available to diverse communities.

17. Conservation of biodiversity

- 17.1 There are several non-statutory air quality standards relating to the protection of the natural environment. Any emission reduction as a consequence of adoption of the action plan will assist in compliance with these particular standards.

18. **Glossary**

AQAP – Air Quality Action Plan

AQMA – Air Quality Management Area

Defra – Department for Environment, Food and Rural Affairs

European Union Limit Value – an air quality standard that all EU member states are expected to comply with

Nitrogen dioxide – a polluting gas, particularly associated with traffic emissions.

19. **List of appendices**

Appendix A List of Consultees and Consultation Comments

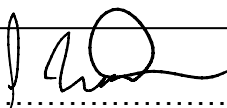
22. **Background papers**

Final Version – Barnsley MBC Air Quality Action Plan 2017-2021

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Financial Implications /
Consultation

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(To be signed by senior Financial Services officer
where no financial implications)



Appendix A – External consultees contacted directly

Neighbouring local authorities (Doncaster, Rotherham, Sheffield, Wakefield, Kirklees, High Peak)

Environment Agency

Highways England

Stagecoach

South Yorkshire Passenger Transport Executive

Sheffield City Region Combined Authority

Peak District National Park

Freight Transport Association

Barnsley and Rotherham Chamber of Commerce