

Report to: **Executive**

Date: **1 February 2018**

Title: **Consider the Air Quality Strategy and recommend the commencement of a public consultation**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee: **Overview and Scrutiny Panel**

Urgent Decision: **n** Approval and clearance obtained: **Y**

Date next steps can be taken: **Full Council 22 February 2018**

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Recommendations:

That Council be RECOMMENDED that:

1. a public and statutory consultation be commenced on the proposed Air Quality Strategy (attached at Appendix 1); and
2. authority be delegated to the Senior Specialist Environmental Health in consultation with the Leader to make minor amendments to the document.

1. Executive summary

- 1.1 The Council resolved to amend the Air Quality Management Area for Totnes in June 2016. This triggered the need to review our Air Quality Action Plan.
- 1.2 Due to the submission of the Joint Local Plan it was felt an appropriate time to review the Council's overall air quality strategy that was previously adopted in 2007.
- 1.3 The strategy is designed to pull together all Council policies that have an impact on air quality into a single document, this includes proposed planning guidance, how the Council manages its own impact, and the statutory air quality action plans.
- 1.4 The strategy has been devised in co-ordination with Devon County Council, who as highway authority are key to a successful plan being delivered.

2. Background

- 2.1 The Environment Act 1995 lays down a number of statutory duties for Local Authorities regarding the management of air quality in their districts. Once an Air Quality Management Area has been declared under Section 82 of the Act, then the Council is under a duty to produce an action plan describing how they intend to tackle the problem and in what timescale.
- 2.2 In April 2016 the author brought before the executive a report recommending that the AQMA for Totnes be amended to incorporate True Street Junction. This Order was duly made following a decision at Full Council on the 25th June 2009. A copy of the Council's AQMAs can be found on our website, along with the annual status reports we produce for DEFRA each year (<https://southhams.gov.uk/article/3902/Air-Quality>).
- 2.3 Following the declaration of the AQMA in 2016 meetings have been held with Devon County Council (DCC) to discuss options for improving air quality in both Totnes and Ivybridge.
- 2.4 As part of these discussions it was agreed that DCC would commission traffic studies for Ivybridge and the potential options, this work was commenced in September 2017 with a report due in early 2018. It is however felt appropriate to commence public consultation on the proposed strategy whilst awaiting the outcome of the analysis.

- 2.5 The principle cause of poor air quality within the South Hams is due to traffic congestion. Within the Totnes area there have been a number of similar transport assessments produced, however there have been limited options that are deliverable that will have a positive impact on air quality.

This is primarily due to the geographical location of Totnes being on one of the few major river Dart crossings. Approximately 70% of traffic is described as being through traffic and have many different start and termination points.

3. Outcomes/outputs

- 3.1 Before an Air Quality Action Plan can be formally adopted it is good practice that there is a consultation with the public and other stakeholders. The aim of the consultation will be to seek the views of the public on our proposals and to encourage ideas to come forward that can be considered to improve air quality in the area.

4. Proposed Way Forward

- 4.1 That the Executive recommend to full Council that a period of public consultation commences on the Air Quality Strategy for a period of 8 weeks commencing in April 2018, with an aim for Environmental Health to report back to Executive in September with a final version of the strategy.
- 4.2 This final version will then need to be submitted to DEFRA for approval prior to being implemented.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The UK government has a duty imposed on them by the European Union directive 96/62/EC and 99/30/EC.</p> <p>The UK government were successfully sued by pressure group Climate Earth in April 2015, due to their inaction in resolving air quality problems. The Localism Act 2013 allows the UK government to pass any fines received in European Courts to local authorities if the fine is due to the failure of an authority.</p> <p>The Council has a legal duty under the Environment Act 1995 to review and assess air quality in their area. It also has a duty to prepare adequate plans to address air quality deficiencies within its area.</p>

		The objective limits that the Council should be achieving are set in the Air Quality Regulations 2000, and the Air Quality (England) (Amendment) Regulations 2002.
Financial		There is no immediate financial implications to the Council foreseen by this recommendation. Should the Council fail in its duty to manage the air quality problems in its area then there is a risk that any future fines received by the UK government could be passed down to the local authority.
Risk		
Comprehensive Impact Assessment Implications		
Equality and Diversity		No implications.
Safeguarding		No implications
Community Safety, Crime and Disorder		No implications
Health, Safety and Wellbeing		Having an active air quality strategy for South Hams which is being implemented and improving air quality will have a positive impact on the health and wellbeing of the residents in the area of elevated airborne pollutants.
Other implications		

Supporting Information

Appendices:

1. Draft Air Quality Strategy for South Hams and West Devon

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed	Yes/No
SLT Rep briefed	Yes
Relevant Exec Director sign off (draft)	Yes
Data protection issues considered	Yes
If exempt information, public (part 1) report also drafted. (Committee/Scrutiny)	N/A