

Report to: **South Hams Executive**

Date: **13 December 2018**

Title: **Consider the Clean Air Strategy following public consultation**

Portfolio Area: **Strategy and Commissioning**

Wards Affected: **All**

Relevant Scrutiny Committee:

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

Date next steps can be taken: Referral to full Council

Author: **James Kershaw** Role: **Senior Specialist Environmental Health**

Contact: **01803 861287 james.kershaw@swdevon.gov.uk**

Recommendations:

1. That the Executive consider the proposed Clean Air Strategy and **RECOMMEND** to Full Council that South Hams Council adopts the strategy and the air quality action plans for Ivybridge and Dean Prior.

1. Executive summary

- 1.1 In February 2018 the Council resolved to undertake a public consultation on the Clean Air Strategy for South Hams and West Devon including proposed air quality action plans for Totnes, Ivybridge and Dean Prior.
- 1.2 This public consultation received around 40 consultation responses, with the lead officer attending Town and Parish Council meetings by invitation in Ivybridge, Totnes, Littlehempston, Dartington and Marldon.
- 1.3 The consultation responses for the Totnes area highlighted that the community had some additional ideas for improving air quality in

the area that needed further exploration. There was significant concerns raised by Ivybridge Town Council and residents to the proposals, but no substantial alternative suggestions were brought forward.

- 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, conversations on delivery of the air quality action plan for Ivybridge have been very productive and are progressed.

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 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 the report published in the summer of 2018.
- 2.5 The draft Clean Air Strategy was brought to Executive in February 2018 seeking approval to carry out a public consultation on the proposals. This consultation was commenced in April 2018 and ran for 8 weeks.
- 2.6 During the consultation a total of 40 emails were received from members of the public regarding the strategy and the action plans, with the vast majority of the responses being in regards to the proposals for Totnes and Ivybridge.
- 2.7 The author attended by invite Towns and Parishes in the vicinity of Ivybridge and Totnes to discuss the proposals and to seek the views of the local elected representatives and the public.

2.8 Following consultation it became apparent that there is the potential for more schemes to be identified in the Totnes area that need further exploration, and these conversations have commenced with local members, Devon County Council and others. Therefore the current document has had the Totnes AQAP annex has been removed at this time with the aim of concluding an options appraisal and further public consultation by April 2019 to allow this annex to be brought back for adoption to the Council in summer 2019.

3. Outcomes/outputs

3.1 Having consulted the public on the clean air strategy and the action plans, the author has reviewed the comments and have reflected where appropriate those comments in the strategy and action plans. This has led to the removal of Totnes AQAP at this time, and the inclusion of a cycle strategy for South Dartmoor Towns.

3.2 By adopting the action plan work can continue towards implementation of the proposals and seek funding from developers or grant funding towards the delivery of these improvements as well as statutory public consultation exercises for road traffic orders etc.

4. Proposed Way Forward

4.1 That the Executive recommend to full Council that the Clean Air Strategy and associated air quality action plans for Ivybridge and Dean Prior be adopted.

4.2 This final version to be submitted to DEFRA for approval.

5. Implications

Implications	Relevant to	Details and proposed measures to address
--------------	-------------	--

	proposals Y/N	
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> <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.</p>
Financial		<p>There is no immediate financial implications to the Council due to this recommendation.</p> <p>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.</p>
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:

Draft Air Quality Strategy for South Hams and West Devon

Background Papers:

None