

Wiltshire Council

Cabinet

19 March 2024

Subject: Air Quality Action Plan 2024-2029

Cabinet Member: Cllr Nick Holder - Cabinet Member for Environment and Climate Change

Key Decision: Key

Executive Summary

This Air Quality Action Plan (AQAP) has been produced as part of the Council's statutory duties under the Local Air Quality Management framework. It outlines the actions we will take to improve air quality in Wiltshire from 2024 to 2029.

Where the Council find areas that do not comply it must declare an Air Quality Management Area and put an Action Plan in place to reduce pollution to compliant levels. Wiltshire Council has eight Air Quality Management Areas (AQMAs) in respect of the annual mean objective for nitrogen dioxide with several of these areas now close to compliance.

The existing Air Quality Action Plan (AQAP) is out of date and not in a format that meets the Department of Environment, Food and Rural Affairs' (DEFRA) current model. The Environment Act 1995 (as amended in 2021) requires that Action Plans be periodically reviewed. Although no time limit is set by DEFRA, their guidance documents suggest a review should occur no later than every five years. This draft Action Plan complies with the requirements now enshrined in the above Act.

This AQAP has already undergone consultation with the following:

1. Key internal departments and partners including transport, highways, public health, spatial planning, climate change, Highways England, neighbouring local authorities, the Environment Agency and DEFRA.
2. Members of the public through a 6 week consultation exercise
3. The Council's Climate and Environment Forum
4. Cabinet

The above consultation has resulted in changes being made to the document where appropriate.

Proposal

That Cabinet adopt the Air Quality Action plan.

Reason for Proposal

To meet the legal requirements of the Environment Act 1995 (as amended in 2021)

Parvis Khansari
Corporate Director, Place

Terence Herbert
Chief Executive

Wiltshire Council

Cabinet

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Purpose of Report

1. To seek Cabinet adoption of the Air Quality Action Plan.

Relevance to the Council's Business Plan

2. The Wiltshire Council Business Plan 2022 - 2032 recognises Wiltshire Council takes responsibility for the environment and in doing so is committed to enable everyone to have access to cleaner air. The Action Plan is a key document in assisting the Council to achieve this, as well as having an important role in encouraging sustainable development.

Background

3. The Council is obliged by the Environment Act 1995 to monitor air quality with respect compliance with UK air quality regulatory requirements. This is known as the "Local Air Quality Management" Regime.
4. Where the Council find areas that do not comply it must declare an Air Quality Management Area and put an Action Plan in place to reduce levels to compliant levels. Wiltshire has 8 AQMAs in respect of the annual mean objective for nitrogen dioxide. Several of these are close to compliance and subject to further data demonstrating compliance may be revoked in the coming years.
5. The existing Air Quality Action Plan (AQAP) is out of date having been published in 2015.
6. The Government has tightened the law in this area following the loss of several key court cases in the Supreme Court, which ruled it should achieve air quality standards in the shortest possible time. It now looks to local authorities to find solutions. The Secretary of State has directed a number of Local Authorities to establish Clean Air Zones. It has introduced the Environment Act 2021 which amends the 1995 Act and associated guidance to include more detail in terms of what an action plan should contain i.e. what measures will be taken, when, the quantified impact on air quality and when compliance will be achieved. This new action plan has been drafted using DEFRA's own template to ensure compliance with the new legislation.
7. Having an updated and adopted AQAP will assist the Council in bidding for DEFRA grant funding in future.

8. Extensive consultation has already taken place with:

- Cabinet,
- The Council's Climate and Environment Forum,
- Key partners including transport, highways, public health, spatial planning, climate change, Highways England, neighbouring local authorities, the Environment Agency
- DEFRA, and
- Members of the public via a 6-week consultation exercise

Main Considerations for the Council

9. Adopting a new AQAP with ensure legal compliance with the Environment Act 1995 (as amended in 2021),and enable opportunities to submit bids to DEFRA for funding. Such bids will involve other services and assist them in delivery of their objectives where it can be argued there will be a positive impact on Air Quality.
10. The plan can be used by other services to support other funding bids outside of the DEFRA Air Quality framework, e.g. Future High Streets, Bus passenger strategy, LCWIPs.
11. The plan can be used to boost the Council's ability to require developers submitting relevant planning applications to meet a higher standard of air quality mitigation, including additional Section 106 funding towards measures contained within the AQAP via the forthcoming air quality supplementary planning document (SPD).

Overview and Scrutiny Engagement

The Climate Emergency Task Group will be briefed on the Plan on 15 March 2024.

12. This AQAP has already undergone consultation with the following:

1. Key partners including transport, highways, public health, spatial planning, climate change, Highways England, neighbouring local authorities, the Environment Agency and Defra.
2. Members of the public via a 6 week consultation exercise
3. The Council's Climate and Environment Forum
4. Cabinet

This consultation has resulted in changes being made to the document where appropriate. Details of the public consultation outcome are provided separately as an appendix to this report.

Safeguarding Implications

13. None

Public Health Implications

14. The objective of the action plan is to improve health outcomes and wellbeing for those in more polluted areas so reducing health disparities. It is estimated that the annual mortality of manmade air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths every year. It is estimated that between 2017 and 2025 the total cost to the NHS and social care system of air pollutants (fine particulate matter and nitrogen dioxide), for which there is more robust evidence for an association, will be £1.6 billion.

Procurement Implications

15. There are no direct procurement issues. The plan will allow future opportunities to bid for central government and section 106 funding as detailed above.

Equalities Impact of the Proposal

16. None

Environmental and Climate Change Considerations

17. The AQAP supports environmental improvements and the reduction in nitrogen dioxide and carbon vehicle emissions. It seeks to promote the use of cleaner electric vehicles, car clubs and e-bike schemes, active travel, increase cycle use and improvements to public transport. Travel by sustainable, public transport also enables passengers to have more active journeys which also has health outcomes. The Action Plan links to other Council plans and strategies (such as Climate Strategy, Green and Blue Infrastructure Policy and Environmental Policy) and supports cross service working to achieve common goals.

Workforce Implications

18. The Action Plan will require monitoring of progress towards the identified measures, including carbon reduction, with active engagement and a one council approach with officers from other departments such as transport and highways. This work will be done within existing staff resources. Other workforce impacts include the continued monitoring and maintenance of air quality monitoring equipment and the production of the Annual Status Report to DEFRA on progress achieved towards the detailed measures contained in the Action Plan.

Risks that may arise if the proposed decision and related work is not taken

19. Failure to adopt the AQAP and regularly review the actions in it constitutes a breach of the Council's statutory duty and risks exposing the local community to poor air quality. In addition, DEFRA monitor the reporting of action plans across the county and has powers to issue a Section 85 EA 1995 secretary of state direction to chief executives of local authorities that fail to comply with the legal requirements of the Environment Act 1995 (as amended in 2021). The adoption of this action plan will ensure the Council complies with its statutory duty. In addition, there will be a high risk of loss of future DEFRA funding, and the loss of future Section 106 funding from developers towards of cost of mitigation measures.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

20. Adopting the AQAP will secure compliance with the Council's statutory responsibilities. The ongoing risk is that the Council fails to reduce air quality below target levels and deliver on its action plan. This risk can be mitigated by adopting this action plan to allow the implementation and prioritisation of key mitigation measures to reduce air quality to begin.

Financial Implications

21. The adoption of the new AQAP will ensure legal compliance with the Environment Act 1995 (as amended in 2021) and so enable opportunities to submit bids to DEFRA for funding. Such bids will involve other services and assist them in delivery of their objectives where it can be argued there will be a positive impact on Air Quality.
22. The plan can also be used by services to support other funding bids outside of the DEFRA Air Quality framework.
23. Failure to adopt the AQAP could result in the loss of future DEFRA funding.

Legal Implications

24. Part IV of the Environment Act 1995 (as amended in 2021) places a duty on the local authority to monitor air quality in its areas and report to DEFRA on an annual basis. Adoption of the AQAP meets this statutory requirement.

Options Considered

25. The Environment Act 1995 places a duty of the Council regarding air quality. There is an option not to adopt the AQAP. However, failure to adopt this AQAP would have both reputational and service delivery consequences and would result in criticism of the Council by DEFRA and risk further action by way of Secretary of State direction.

Conclusions

26. Adoption of the AQAP by Cabinet is sought.

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Appendices

Appendix 1 - Air Quality Action Plan 2024 – 2029.

Appendix 2 - Public consultation comments and responses attached.

Background Papers

None