

Name of meeting: Economy and Neighbourhoods Scrutiny Panel
Date: 10 October 2019
Title of report: Kirklees Council Five Year Air Quality Action Plan 2019

Purpose of report

1. Up brief and update the Economies and Neighbourhood Panel on the development of Kirklees Council's Five Year Air Quality Action Plan.

Updates to this report following the briefing report on the same topic in May

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes This report affects all wards
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	yes If yes also give date it was registered: 8 August 2019
The Decision - Is it eligible for call in by Scrutiny?	Yes If no give the reason why not
Date signed off by <u>Strategic Director</u> & name Is it also signed off by the Service Director (Finance)? Is it also signed off by the Service Director for Legal Governance and Commissioning?	Karl Battersby 1/10/19
Cabinet member portfolio	Cllr Naheed Mather

Electoral wards affected: all wards

Ward councillors consulted: Councillors in Wards which contain Air Quality Management Areas have been consulted by invites to meetings. Further written consultation to be conducted. **Ward Cllr meetings are detailed within the Action Plan.**

Public or private: Public

(Have you considered GDPR?) No personal information contained in the report.

1. Summary

Overview

Air Quality (AQ) is a term given to problems associated with pollution emissions to the atmosphere which have a harmful effect on human health and wellbeing. In general terms the pollutants of concern are Nitrogen Dioxides (NO₂ or NO_x) and fine Particulates (PM₁₀, PM_{2.5}), amongst others such as Sulphur Dioxide, Ammonia, Ozone, Carbon Monoxide and Volatile Organic Compounds (not methane).

Air quality in this context does not refer to the emissions of 'Greenhouse Gases' such as Carbon Dioxide or Methane, amongst others. Greenhouse gases cause climate change over the longer term and are a chronic problem. Unlike greenhouse gases, pollutants which lead to poor air quality cause harm to people's health in a relatively shorter timescale and is therefore an acute problem.

The sources of these emissions are from human activity and the main causes are road transport, industrial emissions, energy production, agriculture, non-road transport and domestic heating.

The health effects caused by poor air quality are asthma, respiratory illnesses, heart disease and shorter life expectancy. People who are elderly, have long term conditions, children and pregnant women are most at risk.

Actions to reduce pollution emissions and improve air quality need to be taken by national governments however, some actions need to be at a local level as local authorities and their partners can influence some of the sources of pollution (local road transportation, some industrial emissions, domestic solid fuel burning. It is the local authority's responsibility to measure the levels of air pollution under the Environment Act 1995. The World Health Organisation set limits for pollutant levels, which are used by national governments in legislation.

Kirklees Council monitors air quality at around 80 sites across the district. Over the past 10 years officers have identified 10 individual sites where pollution levels have been breached. As a result, the local authority is duty bound to declare these areas as Air Quality Management Areas (AQMAs), which then requires the authority to produce an Action Plan setting out the measures the authority will take to reduce emissions and improve air quality in those areas and more generally in the district. The action plan is a statutory document required by law and is submitted to the Government for review and acceptance.

Kirklees Council declared 7 new Air Quality Management Areas in 2017 and 1 new AQMA in 2019 Officers have produced a new Five Year Action Plan (Appendix 1) for Kirklees which, subject to approval, will be submitted to Government in November 2019. Kirklees had 2 Action Plans associated with the 2 AQMAs declared in 2008 and 2009 – these will be revoked and replaced by the new action plan.

Local Authorities are also required by law to submit an annual report to Government setting out the previous year's monitoring activity, report on progress of any Action Plan which is in place and its intention to declare or remove any Air Quality Management Areas. This is the Annual Status Report (ASR) and is a statutory document.

Given the local and national interest in Air Quality and the immediate problems facing human health and wellbeing - Kirklees Council Members requested at Full Council that the authority had an Air Quality Strategy. It is not a legal requirement to have a Strategy. The Air Quality Strategy will sit alongside the Action Plan setting out in general terms the problems faced by Kirklees and it's residents and business, the actions the authority has already taken on

improving and monitoring air quality, actions it is currently taking, future plans as well as what the public can do to improve air quality.

The detailed improvement measures are in the Action Plan and detailed information on monitoring will be reported in the Annual Status Reports.

The production of the Strategy and Action Plan has been a collaborative process led by Environmental Health and Public Health Officers involving almost all departments of the authority and Council partners. The full details of the collaborative approach is detailed within the action plan. It approach is necessary as measures to improve air quality are not solely the responsibility of Public and Environmental Health, but transportation, highways, planning, procurement and Climate Change/Carbon Reduction departments. Ward Cllrs who's areas contained AQMAs were engaged with by direct meetings to gain their views on air quality and mitigation in their areas.

In June and July 2019 Kirklees Council held a public consultation on the Action Plan, writing to Local Councillors and statutory consultees.

At the same time as the consultation the Air Quality Strategy which was agreed by Portfolio Holder and Executive Team in December 2018 to postpone publication to bring in line with the publication of the Action Plan was updated to reflect some minor changes in the situation since December 2018, for example the declaration of a Climate Emergency.

Outcome of the Consultation

Kirklees Council received a total of 18 responses to the Air Quality Action Plan Consultation, which ran between 6 June 2019 and 20 July 2019 (6 weeks).

These responses can be broken down into type;

- 2 Councillor responses
- 1 Town Council response
- 1 NHS Trust
- 2 Local Businesses
- 1 Civic Society
- 7 Local residents
- 4 Anonymous

Some responses were received not via the required consultation channels or out of time – these responses are not noted above, however, the view contained have been taken into account.

Analysis of the responses indicate a number of running themes within them, of which the 3 main common responses have been highlighted below;

1. The need for increased monitoring outside of the current AQMA's is a common concern raised, both towards NO₂ and Particulates. The existing monitoring program is included within the plan and continued assessment of the network. Notwithstanding this, there is clear demand for the network to be rationalised and expanded to alleviate local residents concerns
2. There is a demand for a greater communications between the council and the public, making the issue more accessible and easier to understand. The plan did include a communications plan within it, but further work could undertake to increase accessibility and community/partnership working to deliver shared outcomes.
3. Third most common discussion point centred on the need for clear measurable outcomes to measure the delivery of the action plan against. The action plan includes some measurability, but EH will analyse the viability of including further measurability to the plan.

It is proposed to publish the outcome of the consultation and the next steps on the Council's Air Quality Webpage.

Action since the Consultation

Following conclusion of the consultation, in collaboration with Portfolio Holders during their briefings (Clean and Green, Transportation and Public Health) the Action Plan has been updated. The main change being the addition of a set of measurable targets for each action within the plan. These targets have been taken from either pre-existing targets for actions/projects or a new measurable has been included. Where an action is in an early stage of project planning – a suitable generic target has been included – it is accepted – as projects are developed more suitable measurable targets can be added at a later revisions of the Action Plan.

It was not considered necessary to add any further actions in relation to points one and two above – as these were already actions within the plan.

2. Information required to take a decision

None – this is an update to the E&N Scrutiny Panel.

3. Implications for the Council

3.1 Working with People

In order to be successful in reducing pollution emissions we need to work with members of the public and business as poor air quality is caused by human activity, such as light private vehicles as well as commercial light and heavy goods vehicles driving on the road, industrial emissions or how we choose to heat our homes. There is very limited legislative tools available to the local authority – so the Council will have to influence and change behaviour of the public at large using soft measures and leading by example.

The Action Plan has working with people at its core. The delivery of the Strategy and Action Plan will involve a number of measures within the working with people strand of the Council's overall Corporate Plan. Some of this will be informing and bringing people along with us, however, some will require enforcement activity where people are not doing as they are required – such as pollution incidents and where the law is broken.

3.2 Working with Partners

Working with partners is essential in improving air quality as actions the Council can take will not improve air pollution sufficiently to have a positive impact on health outcomes.

In developing the Strategy and Action Plan officers have engaged with a number of partners, both within and outside of the Council. Meetings and engagement sessions have been conducted to examine and explore what internal and external partners can do to improve air quality.

Internal Partners:

- Public Health
- Planning
- Strategic Transportation
- Investment and Regeneration (Carbon Reduction)
- Highways

- Fleet Management
- People Services
- Communications
- Procurement
- Property Services
- Ward Members in affected Wards

The main external partners:

- West Yorkshire Combined Authority
- Highways England
- NHS and Health Partners
- Huddersfield University
- Our neighbouring local authorities

We have engaged directly with Local Business Organisations as part of the formal consultation process of the action plan.

3.3 Place Based Working

Having a Place Based Working approach is necessary for delivery of the Action Plan and Strategy as measures that are appropriate in one location will not be appropriate in another. Officers have examined each area and assessed what is the most appropriate action(s) in that area – we are not just taking broad bush district wide measures.

The Action Plan is broken down into the individual areas in which AQMAs exist as well as district wide measures. The section which looks at the individual AQMA takes into account the local environment and what is appropriate for that area.

3.4 Improving outcomes for children

As Children are one of the affected groups of poor air quality – any improvements in Air Quality will improve the Outcomes for Children.

3.5 Other (eg Legal/Financial or Human Resources)

There are legal implications for the Council if it does not agree and submit the Action Plan to Government on time. There is no legal requirement for a Strategy. As the UK as a whole is not complying with European Directives on Ambient Air – there is a possibility that the EU may fine the UK for non-compliance. UK national Government have advised in the past that it would pass on these fines to Local Authorities who are not complying with their obligations.

Internal Human Recourses measures are included in the Action Plan – as activity of the Council's Officers going about the Council's business causes pollution emissions. However, these measures are not anticipated to cause Human Resources issues and collaboration with People Services is part of the Action Plan preparation.

Financial Implications for the Council – measures to tackle AQ cost money to implement – whether this is capital investment in changes in infrastructure such as new road lay outs or improved traffic signals, investment in monitoring and measurement equipment. Soft measures to influence behaviour change is resource intensive – such as officer time/materials etc. The Action Plan has been written in a way which obligates the Council to spend resources on actions which already have budget commitments. However, these committed measures will not go far enough to tackle the problem. The Action Plan may also contains financially uncommitted measures which the Council will take if the resources are available – such as through a new budget commitment or external funding such as a grant

award. Once the Action Plan is accepted – detailed proposals will be brought forward for consideration within the Councils' normal decision making and governance procedures.

4. Consultees and their opinions

Ward Councillors have had the opportunity to engage in the process and a number of meetings on a ward by ward basis have already occurred. The outcome of the Ward level discussions have fed into the actions within the Action Plan where relevant and possible.

There has been a formal consultation of both the Action Plan as required by the Environment Act 1995. This report seeks engagement as to the extent of the Action Plan update as a result of the consultation.

5. Next steps and timelines

Cabinet approval is required for approval of the Action Plan (and the Strategy), post consultation and revision, to submit to National Government for formal approval. Delegated decision for Portfolio Holder and Strategic Director to sign off the Action Plan following positive review from National Government to be sought. The Action Plan and Strategy is on Cabinet forward plan for November 2019 to align with Climate Emergency.

Following the review and acceptance from National Government review – the Air Quality Action Plan signed off by Portfolio Holder and Strategic Director. No timeline can be given for return from DEFRA.

If National Government does not recommend the Action Plan can be adopted – it will issue recommendations of what improvement should be made. Officers will take account of these recommendations and make revisions to the Action Plan. This will then be submitted for authorisation for re-submission to Government.

6. Officer recommendations and reasons

Members' comments are invited

7. Cabinet portfolio holder's recommendations

Portfolio holder has been briefed prior to E&N Panel.

8. Contact officer

MARTIN WOOD
Operational Manager
Public Protection Service

9. Background Papers and History of Decisions

Draft Air Quality Action Plan 2019

10. Service Director responsible

Service Director (Environment) – Sue Procter