

<b>Subject:</b>	<b>2020 Review of Air Quality Management</b>		
<b>Date of Meeting:</b>	<b>29<sup>th</sup> September 2020</b>		
<b>Report of:</b>	<b>Executive Director - Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Samuel Rouse</b>	<b>Tel: 01273 292256</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report sets out the outcomes of a technical, Detailed Air Quality Assessment based on calendar year evidence up to and including 2019, and proposes amendments to the city's two existing Air Quality Management Areas [AQMA] which were declared in 2013. The proposal is based on seven years of outdoor air quality evidence since the last AQMA declaration. The declaration of an AQMA is based on outdoor (ambient) concentrations which are influenced by emissions from road traffic, commercial and domestic sources.
- 1.2 The context for this report is established within Part IV of the Environment Act 1995 which sets a statutory duty on local authorities in England to assess outdoor air quality within their administrative boundary. If one or more of the pollutants exceeds legally binding health standards, the authority has a legal obligation to declare an AQMA. The council is expected to review air quality on a regular basis and the Government's Department for Environment, Food and Rural Affairs' [DEFRA's] guidance recommends that this should be considered every five years. When an existing AQMA is amended and declared, this triggers a statutory requirement to produce a new or revised Air Quality Action Plan AQAP [AQAP].
- 1.3 The outcome of the review and revisions to the city's AQMA boundaries will assist in the consideration of developing a wider Ultra-Low Emission Zone [ULEZ] for the city, which is planned to be reported to the next meeting of this committee in November 2020. It is also an opportunity to explore and propose a continued approach within an AQAP to reducing vehicle emissions, which will help contribute towards the council's target to achieve carbon neutrality by 2030.

**2. RECOMMENDATIONS:**

That the Committee:-

- 2.1 Approves the proposed boundaries of the city's Air Quality Management Areas as set out in Appendix 2;
- 2.2 Requests that the Executive Director takes all necessary steps to vary the 2013 Air Quality Management Area Order in accordance with Appendix 2;

- 2.3 Requests that the Executive Director undertakes the necessary work to develop and consult on a revised, draft Air Quality Action Plan;
- 2.4 Requests that officers bring a report to a future Environment, Transport & Sustainability Committee which includes the results of the consultation on the draft Air Quality Action Plan and a final document for consideration and approval.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Part IV of the Environment Act 1995 sets a statutory duty on local authorities in England to assess air quality within their administrative boundary. If one or more of the pollutants exceeds legally binding health standards, the authority has legal obligation to declare an AQMA.
- 3.2 The city's first AQMA was declared by the council in 2004. It was subsequently reviewed and revised in 2008. The most recent full review took place during 2012 and 2013 and designated two AQMAs – one in Rottingdean High Street and the other covering the central and western part of the city. These are included in Appendix 1 of this report. The existing AQMAs have been declared because existing or forecast levels of Nitrogen Dioxide (also referred to as NO<sub>2</sub>) exceed the English outdoor standard of an average annual mean of 40 micrograms. This figure is consistent with WHO (World Health Organisation) guidelines. The standard applies where people are likely to be exposed for the duration of the specified averaging period; which can be annual or hourly means.
- 3.3 The national air quality strategy (Part IV of the Environment Act 1995) compares against standards for the protection of human health. This required seven pollutants to be assessed by local authorities, and of these five (benzene, 1-3 butadiene, carbon monoxide, lead and sulphur dioxide) have been screened out and/or are no longer monitored locally as they readily meet English standards for the protection of human health. Particulate matter and nitrogen dioxide continue to be assessed as part of the council's Local Air Quality Management duty. In Brighton & Hove, nitrogen dioxide is the only pollutant that exceeds English standards and WHO guidelines. This is the reason for the declaration of the existing and proposed revised Air Quality Management Areas.
- 3.4 The primary sources of NO<sub>2</sub> are diesel and gas combustion, and emission generation and dispersal is influenced by volume and speed of traffic, different types of vehicle distance between building facades and atmospheric conditions. In Brighton & Hove, nitrogen dioxide levels exceed standards where slow or accelerating traffic is enclosed by buildings. Levels continue to exceed health standards within the areas defined in Appendix 1.
- 3.5 Over twenty years the council has been monitoring data for air quality from approximately 100 sites, and since 2015 it has prepared and submitted an Annual Status Report [ASR] for Air Quality to the DEFRA, to accord with Government requirements. The most recent report was published in July 2020 and is available on the council's website.
- 3.6 To undertake the full, technical review of air quality that is required to inform any changes to the city's AQMAs, a Detailed Air Quality Assessment has been

carried out using a computer-based dispersion model based on the most recent 2019 monitoring data included in the ASR published in July 2020. Where there is sustained evidence of compliance (with national air quality standards) an AQMA, or parts of it, can be revoked. Similarly, where exceedance is identified, an AQMA can be introduced, retained or extended.

- 3.7 The outcome of the detailed assessment for Brighton & Hove includes recommendations to retain part of the existing AQMAs for nitrogen dioxide and partly revoke some areas. These can be summarised as follows:-
- Long term air quality levels within the city are generally improving.
  - Within the existing larger AQMA over recent years, data show compliance has been confirmed for Boundary Road/Station Road in Portslade, Church Road in Hove, most of Sackville Road, Kingsway (the A259), most of West Street in the city centre, St James's Street and Old Steine. Significant improvements have also been detected for much of Beaconsfield Road and Preston Road (the A23) north of Preston Circus.
  - Within the smaller AQMA for Rottingdean High Street, there has been some improvement, but not for a sufficient duration to revoke or change the 2013 AQMA at this time.
- 3.8 As a result of this work, new boundaries for the city's AQMAs have been proposed and these are illustrated in Appendix 2 of this report. The overall area included in the AQMAs has reduced and the remaining areas that continue to exceed standards include a specific series of transport corridors with residential dwellings adjacent. The standard used for establishing the new AQMA boundaries considers 36 micrograms that is 90% the annual mean standard for nitrogen dioxide. This threshold has been adopted to give a margin of tolerance as set out in DEFRA's air quality guidance. Other considerations are the consolidated shape of the area, premises' boundaries, and the inclusion of residential dwellings and care settings next to roads. Parks and gardens are not included, as pollutant concentrations within them are compliant with air quality standards.
- 3.9 Once an AQMA amendment is approved by committee, and then legally sealed, a renewed Air Quality Action Plan [AQAP] must be developed. The purpose of the AQAP is to deliver compliance with air quality standards in the AQMA. Measures may also be beneficial for delivering reductions in carbon emissions and achieving carbon neutrality by 2030. Distinctions between oxide of nitrogen, particulate and carbon dioxide emissions are set out in the detailed air quality assessment.
- 3.10 Concerns have been expressed by some residents about Particulate Matter [PM], which are described as PM2.5 and PM10. The number defines the size of the particle. Sources of PM can vary considerably and can include older vehicles, solid fuel burning, demolition and construction, and shipping, as well as other countries. Like many other local authorities, the council has not declared any AQMAs for PM as local monitoring shows levels are compliant with English standards. Further consideration of this matter by this committee can be expected following DEFRA's planned updating of the Government's Clean Air Act.

- 3.11 The declaration of an AQMA has implications for the Planning process, because major development proposals need to assess their emission contribution to the AQMA, and mitigate any significant contributions in line with Policy SU9 of the retained Local Plan policies, and Policy DM40 of the City Plan Part 2 Proposed Submission Stage.
- 3.12 An indicative timeline for the steps following the approval of a revised set of AQMA boundaries by this committee is as follows:
- Seal legal Orders for AQMA changes - October 2020
  - Develop draft AQAP – November 2020 to February 2021
  - Consult on draft AQAP (12 weeks) - March 2021 to May 2021
  - Assess responses and produce final draft AQAP – May 2021 to August 2021
  - Seek approval of AQAP at ETS Committee – by October 2021

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 There is no alternative to reviewing the city's two existing AQMAs. Not doing so would have implications for people's health and the citywide or targeted measures that the council and others could put in place to reduce or mitigate the effects of emissions. Updating the 2013 AQMAs also ensures that the assessment required as part of the planning process is up to date. DEFRA's guidance recommends five-year reviews of AQMA designations to ensure they align with the latest evidence.

#### **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 Amendments to AQMAs are based on technically justified evidence since 2012 and do not require consultation. However, the declaration of an AQMA is a legal process and the Environment Act requires the council to carry out public consultation on a related Air Quality Action Plan [AQAP]. This will occur during 2021.
- 5.2 In line with this committee's previous considerations of air quality issues, engagement with other bodies and organisations such as the Health & Wellbeing Board will be undertaken at an appropriate point in this Local Air Quality Management process.

#### **6. CONCLUSION**

- 6.1 The current AQMAs in the city were last updated in 2013. The detailed, technical review of outdoor air quality that has been carried out using data from the last seven years has shown that there has been some improvement across the city. The results of the assessment have enabled the overall area that needs to be declared within an AQMA to be reduced.
- 6.2 This improvement means that a greater number of people within the city are no longer exposed to levels of NO<sub>2</sub> pollution that exceed standards which have been set to protect human health. However, the remaining areas of the city within the AQMAs will require continuing monitoring and associated mitigation measures to

be reviewed and identified within a new AQAP in order to achieve compliance within those AQMAs. These measures will also help to continue to deliver improvements in air quality across the whole city. The AQAP will be the subject of a separate report to a future meeting of this committee.

- 6.3 The outputs from this assessment will provide the context and guidance to inform a future report to this committee about an Ultra Low Emission Zone in the city which will consider the powers available to the council to extend minimum emission standards to vehicles other than buses, and to consider its extent beyond the current boundary of the zone.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 There are no direct financial implications of this report. It is assumed that the recommendations of this report (for example, producing the proposed boundaries of the city's Air Quality Management Areas and the revised Air Quality Action Plan) have been/will be funded from within existing service revenue budgets. This will be reviewed as part of the monthly budget monitoring process.

*Finance Officer Consulted: Jess Laing*

*Date: 11/09/2020*

### Legal Implications:

- 7.2 The process of Local Air Quality Management is set out under Part IV of the Environment Act 1995 and Air Quality Regulations. The Act places the council under a duty to prepare and revise from time to time an action plan in relation to an area designated as an Air Quality Management Area.

*Lawyer Consulted: Elizabeth Culbert*

*Date: 13/09/2020*

### Equalities Implications:

- 7.3 A healthy environment is vital for quality of life, reduced sickness, employment and economy. There are strong links between cardio-vascular, respiratory health, inequality and social deprivation.
- 7.4 An Equalities Impact Assessment will be carried out for the associated Air Quality Action Plan, which will be the subject of a separate, future report to this committee.

### Sustainability Implications:

- 7.5 Emission reduction and improvements in air quality are important considerations when setting sustainability objectives and enhancing the built and natural environment. Promoting and providing active travel and public transport options as alternatives for some journeys and that enable a shift from car use will assist in this. Cleaner fuels in larger vehicles such as buses and lorries will also make a significant contribution. The council also aims to make the city carbon neutral by 2030. This will require a reduction in fossil fuel burning especially for transport, residential and commercial buildings. Urban air quality improvements require

reduced burning of all kinds including; waste, biofuels and wood that can be classed as renewable energy.

#### Brexit Implications:

- 7.6 EU standards for nitrogen dioxide and other pollutants are set out in Directive 2008/50/EC, which has influenced English law. However, the reason for declaring an AQMA is based on exceedance of nitrogen dioxide standards set out in English law, which are the same as World Health Organisation guidelines.

#### Any Other Significant Implications:

#### Crime & Disorder Implications:

- 7.7 There are no crime and disorder implications associated with this report.

#### Risk and Opportunity Management Implications:

- 7.8 Regular assessment of air quality levels in line with DEFRA recommendations, will ensure that the effects of any existing or likely exceedance of standards which could affect people's health and wellbeing. The declaration of new AQMAs will ensure that the council's work in monitoring and acting on air quality levels helps to raise awareness of the issues and engage residents and other stakeholders in measures or activities that will improve air quality. Measures identified to address air quality problems in particular areas can also result in benefits to other areas of the city by reducing emissions, such as increase in low emission buses and greater uptake of electric vehicles or sustainable active travel options to replace some motorised trips. Revised AQMAs and a new AQAP will also provide the opportunity to seek and secure additional funding opportunities.

#### Public Health Implications:

- 7.9 There are significant public health implications associated with identifying areas where air quality standards are being/could be exceeded, and the declaration of an AQMA. This work helps provide the basis on which improvements could be achieved through the delivery of measures or actions set out in the associated AQAP.
- 7.10 The city's Joint Strategic Needs Assessment (2019) includes a chapter on air quality which sets out the effects of poor air quality and refers to the 2015 AQAP. This fuller air quality review will enable the JSNA to be updated. The council's Joint Health and Wellbeing Strategy 2019-2030 highlights that poor air quality can affect life expectancy and that almost 6% of adult mortality is attributable to particulate air pollution.

#### Corporate / Citywide Implications:

- 7.11 One of the council's Corporate Plan 2020-2023 stated priorities is to deliver a more sustainable city, and that this will require the development of an active and sustainable travel network. This will include improving air quality through clean, efficient buses and seek further investment in zero emission buses, and installing

hundreds of on-street electric vehicle charging points and rapid charging hubs for taxis.

- 7.12 Managing and improving air quality can benefit a number of other services and agencies within the city, especially with regard to public health and the economy. For example, healthier people can be more economically productive and enhanced areas of public realm can generate greater footfall and spending. Improved personal health can also place less pressure on health and medical services.
- 7.13 The council's current City Plan (Parts 1 and 2) and Local Transport Plan include policies and objectives aimed at improving people's health and increase their quality of life. Improved air quality can be achieved in a number of ways, such as reducing the need to travel and promoting and providing for greater use of sustainable transport for some journeys. The identification of new AQMAs also enables targeted measures to reduce emissions to be secured as part of the Planning process.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Existing AQMAs in Brighton & Hove
2. Proposed AQMAs in Brighton & Hove

### **Background Documents**

1. 2020 Detailed Assessment of Air Quality in Brighton & Hove
2. 2019 Air Quality Annual Status Report for Brighton & Hove (published in 2020)
3. Part IV of the Environment Act 1995
4. Land-Use Planning & Development Control: Planning Guidance for Air Quality (2017)
5. Air Quality and Emission Mitigation Guidance for Sussex (2020)
6. BHCC Local Transport Plan (2015)
7. BHCC Air Quality Action Plan (2015)
8. City Plan Part 1 (2016) and City Plan Part 2 (2020)
9. Joint Strategic Needs Assessment (2019)
10. Public Outcome Framework (2019)

