

DECISION-MAKER:	Cabinet
SUBJECT:	Air Quality Action Plan 2023-2028
DATE OF DECISION:	20 DECEMBER 2022
REPORT OF:	COUNCILLOR LISA MITCHELL CABINET MEMBER FOR HOUSING AND THE GREEN ENVIRONMENT

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STATEMENT OF CONFIDENTIALITY
NOT APPLICABLE
BRIEF SUMMARY
<p>Southampton City Council's first Air Quality Action Plan (AQAP) was adopted in 2008 to reduce levels of key pollutants in the city's Air Quality Management Areas (AQMAs), as per requirements of The Environment Act 1995. Since then, a series of projects under The AQAP, and later The NO₂ Plan, have been implemented and monitoring has demonstrated a steady improvement in levels of NO₂ across the city.</p>
<p>With The NO₂ Plan now concluded and the AQAP last updated in 2009, The council has produced a new AQAP (The Plan) setting out the air quality improvement measures it intends to explore and implement over the next 5 years.</p>
<p>Measures set out in The Plan are the result of a detailed shortlisting exercise including several internal and external consultations. A draft of The Plan was provisionally approved by central government as part of a statutory consultation.</p>
<p>The Plan sets out 60 new measures the council will pursue over the next 5 years, all of which are or will be grant funded projects with no direct implications on Council revenue. This list of new measures builds on the 47 measures The council has already delivered or is in the process of delivering.</p>

This paper recommends that the version of the AQAP update provided is adopted for the council for implementation, and that delegated authority be granted for minor amends to The Plan.

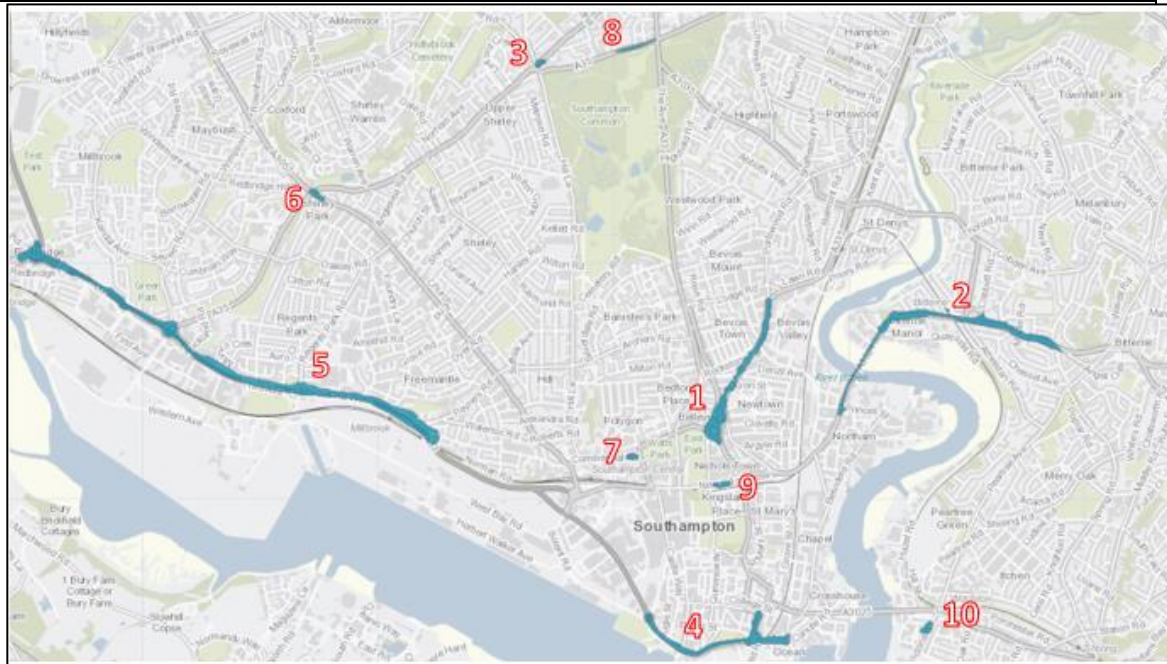
RECOMMENDATIONS:

	(i)	To formally adopt and implement the Air Quality Action Plan update as presented in Appendix 1.
	(ii)	To delegate authority to the Director of Environment to introduce future revisions, including making minor amendments following consultation with the Cabinet Member Housing and the Green Environment and S151 officer, so that the plan is able to respond to both national and local changes.

REASONS FOR REPORT RECOMMENDATIONS

1.	<p>Reasons for adopting an Air Quality Action Plan</p> <p>Air quality remains the greatest environmental risk to health in the UK. Part VI of The Environment Act 1995 sets out the national air quality management framework. It broadly involves a requirement for local authorities to monitor and manage certain pollutants which may exceed national air quality objectives. This duty is referred to as the Local Air Quality Management (LAQM) regime.</p> <p>In areas where persistent exceedances of objectives are monitored, Air Quality Management Areas (AQMAs) must be defined and established by the local authority. In local authorities where AQMAs are established, an Air Quality Action Plan (AQAP) must be adopted and updated regularly. AQAPs aim to demonstrate how the Local Authority will work towards compliance with air quality standards in its AQMAs. They also provide an opportunity to set out wider strategic measures. They offer an important policy tool for air quality and related agendas including sustainable transport and climate change, helping leverage funding opportunities, including the annual Defra air quality fund.</p>
2.	<p>Southampton City Council (SCC) has declared 10 AQMAs (See section 7) due to monitored exceedances of the national air quality objective for annual concentrations of Nitrogen Dioxide (40 ug/m³). The first AQAP was adopted in 2008 and later updated in 2009 to work towards addressing these exceedances.</p> <p>This original plan includes a number of measures to improve air quality including upgrades to public transport, shore side power for cruise ships, school and workplace travel plans and improvements to the council's own fleet. Most of these measures are now complete.</p>
3.	<p>Reasons for updating the Air Quality Action plan</p> <p>Our Green City Plan includes a commitment to deliver an updated AQAP. The council's Green City Charter also includes an ambition for continual improvement in air quality, beyond statutory requirements, for the benefit of the city's residents. This needs to be reflected in longer term policy.</p>

	<p>Alongside the previous AQAP, The council has also implemented it's Local NO₂ Plan. The Plan is effectively a non-charging Clean Air Zone funded by central government to help ensure that similar air quality standards are complied with. It introduced several large scale measures including The Clean Bus Retrofit scheme and the Low Emission Taxi Incentive scheme which have been able to deliver improvements in air quality. More detail on the Local NO₂ Plan and how it relates to the AQAP is available in the Full AQAP update document in sections 1.6.1 and 3.2.</p>
4.	<p>The council has now delivered its Local NO₂ Plan and are working with central government to evaluate its effectiveness. This process is likely to conclude in Spring 2023. The evidence to date indicates that compliance has been achieved and is likely to be maintained. However, there is potential scope for further measures to be funded by the government's Clean Air Fund to improve the likelihood of compliance being maintained. This is currently pending a decision from central government.</p> <p>With The Local NO₂ Plan concluded and the previous AQAP requiring an update there is a need for a new plan to set out the long term approach The council will take to secure further improvements in the city's air quality.</p>
5.	<p>An updated plan also provides an opportunity to capture more recent air quality projects that have been introduced outside of the Local NO₂ Plan or the last AQAP. These include an air quality engagement programme and the e-taxi and van trial scheme which have successful been bid for and our now being implemented.</p>
6.	<p>The new Environment Act (2021) will introduce stricter air quality objectives for Particulate Matter pollution, including an exposure based target. These objectives were due to be announced and adopted in October 2022, however this has been delayed to an unknown date.</p> <p>New measures in the plan can be proactive and anticipate changes in policy. The Act also provides new powers to local authorities to tackle emissions which will make further measures possible, and stricter deadlines for updating AQAPs.</p>
7.	<p>The city's Air Quality Management Areas are located in the below map</p>



AQMA Number	AQMA Name
1	Bevois Valley Road
2	Bitterne Road West
3	Winchester Road
4	Town Quay
5	Millbrook and Redbridge Road
6	Romsey Road
7	Commercial Road
8	Burgess Road
9	New Road
10	Victoria Road

8. Reasons for selecting the measures presented

Measures in the plan have been selected through a thorough shortlisting process whereby cost-effective and feasible measures have been prioritised. Full detail on this process is set out in Appendix 2 of the full AQAP update.

Further information on the consultation element of this plan is presented in the 'Consultation and engagement' section of this report and full detail is provided in Appendix 3 of the Air Quality Action Plan document.

Many of the measures in the plan are already funded or have an identified funding route. The few measures which are not yet associated with funding are included to set out where the council would like to secure additional funding if it were made available.

9. Reasons for delegated powers for minor amendments

	<p>This Air Quality Action Plan update will cover a five year period as required in The Environment Act 2021. To ensure the Plan offers a complete and up to date picture of the council's duties and activities over that period it may be necessary to make changes to reflect changes in council and central government priorities.</p> <p>Minor amendments are considered those which:</p> <ul style="list-style-type: none"> • Include changes to the contextual information eg. new legislation, council policy etc. • Addition of new measures or amendment of existing measures which do not significantly affect the overall policy direction of the plan. <p>Several minor changes may be required over the course of the five years to ensure the plan remains consistent with local ambitions and changes in national and local policy. If each needs to be presented to cabinet, this could present a disproportionate burden on officer and councillor time and resource.</p>
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
10.	<p>Delay adoption of the provided version of the AQAP.</p> <ul style="list-style-type: none"> • Benefits - more time to review and amend plan including incorporating any known changes as a result of The Local NO₂ Plan review (in approximately 6 months' time) • Risks/ reasons rejected - slower adoption of plan and benefits realisation, potential for escalation process from Defra including warning letters and eventually ministerial intervention under Environment Act 2021
11.	<p>Do not progress with the update to the AQAP</p> <ul style="list-style-type: none"> • Benefits – No reputational risk from poor feedback to the plan • Risks/ reasons rejected – Non-compliance with expectations from Defra and potential for warning letters and ministerial intervention, multiple missed opportunities to align plan with other policy, no benefits realisation from plan including potential for missed funding opportunities
12.	<p>Delay approval of the provided version of the AQAP update and reduce the number of actions to those which are either already committed or are considered most likely to be fully funded in the period of the plan.</p> <ul style="list-style-type: none"> • Benefits – less likely to be perceived as under-delivering at the end of the plan's implementation period • Risks/ reasons for rejecting – plan may be seen as lacking ambition and not willing to address opportunities which the shortlisting process suggests could be effective, could risk future funding opportunities if bid cannot reference policy
DETAIL (Including consultation carried out)	
13.	Priority Areas

In total 60 new measures not previously included in air quality policy are set out in the plan to be delivered or initiated in the next 5 years. 22 of these measures are not yet funded, 6 are partly funded and the remaining 32 are fully funded.

The Action plan breaks measures down into five key priority areas. These were established through discussions with other officers and through the public engagement exercise. The priority areas are:

1. Empowering Communities – public engagement and behaviour change measures – 13 new measures
2. Supporting Businesses – measures targeting freight and providing incentives to businesses – 9 new measures
3. Active and Sustainable Travel – encouraging modal shift through infrastructure and engagement – 9 new measures
4. Low and Zero Emission Vehicles – hybrid, electric and other alternatively fuelled vehicles - 15 new measures
5. Monitoring and Planning – measures which help ensure the long term effectiveness of the plan through improving our monitoring network and/or ensuring future developments are in line with air quality policy – 14 new measures

In addition to these 60 new measures, the existing 47 measures which have already been implemented or are being implemented are also presented in the plan. These are the measures air quality officers already report on through Annual Status Report submissions.

14. Consultations and stakeholder engagement

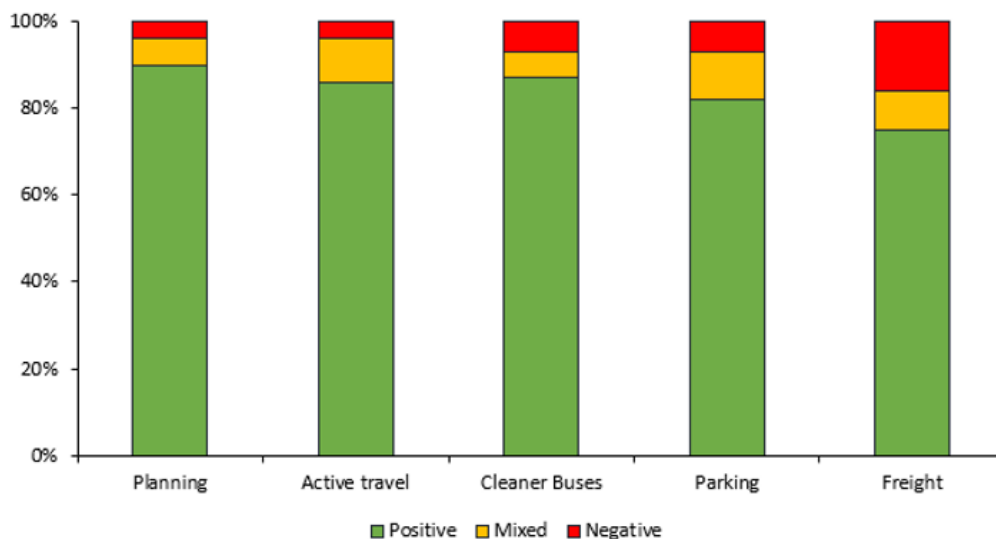
The following table sets out consultation undertaken, and stakeholders engaged in those consultations.

Consultation	Stakeholders engaged	Duration
Internal consultation	SCC relevant officers including Steering Group	25 th May 2021 - 11 th June 2021 (2 weeks)
Engagement survey	Southampton residents and relevant public bodies	9 th September - 30 th September 2021 (3 weeks)
Councillor workshop	Cabinet Member for Environment and Cabinet Member for Growth	18 th January 2022
Officer workshop	Key officers relevant to projects	25 th April 2022 – 3 rd June 2022 (5 weeks)
Formal consultation	Southampton residents, consultees listed in Table 4.1.	June 16 th – 28 th July 2022 (6 weeks)

The following statutory consultees were engaged as per the relevant Defra guidance. Where responses were received, these have been integrated into the action plan. This includes a response from Defra which approved the plan subject to minor amendments which have now been made.

Yes/No	Consultee	Response received
Yes	the Secretary of State	Yes
Yes	the Environment Agency	Yes
Yes	the highways authority	No
Yes	all neighbouring local authorities	No
Yes	other public authorities as appropriate, such as Public Health officials	No
Yes	bodies representing local business interests and other organisations as appropriate	Yes

15. The engagement survey aimed to identify types of measures which members of the public would be most supportive of. The graph below shows what type of measures residents were most supportive of. The colour denote the type of response received – green is positive, amber is mixed or neutral and red is negative.



Least popular classes of measures included those supporting the shift to EVs (43% positive, 36% mixed and 31% negative), homes (55% positive, 8% mixed and 37% negative) and working with the health sector (61% positive, 5% mixed and 34% negative).

	<p>Many of the negative comments around electric vehicles and homes related to the cost of cleaner technologies which respondents didn't want to be forced to adopt.</p> <p>This response was incorporated into the final shortlist presented in the statutory consultation.</p>
16.	<p>The Council received responses from 128 residents through the full statutory consultation culminating in 260 comments providing feedback on the proposed measures as well as suggestions for new ones. Responses largely centred around EV infrastructure, public transport, congestion, and cycling infrastructure. Members of the public were generally supportive of the plan with 78% of responders expressing their support.</p> <p>As well as comments in support of the plan, around 40 comments were made which requested further action. These were mostly related to pedestrianisation, HGV movements, park and ride and wood burning.</p> <p>These suggestions were evaluated and, when found to be cost-effective and feasible, were added to the shortlist as new measures. Minor amendments were also made to several measures to capture the changes members of the public would like to see not previously set out in the plan.</p> <p>Further detail on the changes made as a result of consultation is available in Appendix 3 of the Air Quality Action Plan document.</p> <p>In addition, where suggested measures were not taken forwards, these have been addressed and are available in Appendix 4 of the Air Quality Action Plan document.</p> <p>General comments not associated with a new suggestions were also gathered. Main themes in these comments were regarding concerns about barriers to taking up an electric vehicle, concerns about a charging zone and concerns about Southampton Airport and the Port. These have each been noted and investigated, none were deemed to justify major changes to the plan.</p>
17.	<p>Councillors were engaged through several cabinet member briefings. A councillor workshop was held in 2022 with the previous Cabinet Members for Growth and Environment. Input was then integrated into the measures selected. These were presented to the new cabinet member for Housing and Environment for review and approval which included some amendments.</p>
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
18.	Staff resource

	<p>No new resource is required to implement the AQAP. Three air quality posts exist in the Sustainability team – one projects lead, one support officer and a new sustainable schools engagement officer who will later lead on wider engagement.</p> <p>Existing funding for current roles is from a combination of central government funding and committed Green City revenue. As far as possible, future grants will include funding for officer time where not yet covered by grant funding. Currently, 80% of the air quality lead role is financed through grants and 100% of the schools role will also be grant funded. The support role has recently become vacant and is under review pending outcomes of The Local NO₂ Plan and implications for funding.</p> <p>The measures presented are not considered unrealistic to implement with current resource. Funding opportunities can also be utilised to fund resource and delivery partners if projects are found to be beyond the scope of current officers.</p>
19.	<p>Finance resource</p> <p>None of the measures presented are associated with a cost to the council's budget. Shortlisted measures either have existing funding, potential for future funding, or can provide a revenue stream to offset any cost to the council.</p>
<u>Property/Other</u>	
20.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
21.	Updating the AQAP is a requirement for local authorities under Part IV of The Environment Act 2021 and the LAQM regime.
22.	The council are required to update the AQAP at least every 5 years under the Environment Act 2021. Failing to do so may result in a ministerial direction.
<u>Other Legal Implications:</u>	
23.	In producing an AQAP the council is required to have regard to the impact of the plan on those with protected characteristics under the Equalities Act 2010 and to prepare the plan in accordance with its duty under s. 149 (public sector equality duty) and the need to have regard to eliminating unlawful discrimination, harassment and victimisation of those with protected characteristics. An EISA has been carried out to support this duty. In addition to these duties the council has had regard to the impact of the proposals on property rights under Article 1 of the First Protocol of the Human Rights Act 1998 which prevents placing restrictions on use or otherwise impacting on the use of property (by declarations of AQMA's for example) without first having demonstrated that the restrictions or requirements are lawful and in the public interest / proportionate to the environmental harm the restrictions are required to address.
RISK MANAGEMENT IMPLICATIONS	
24.	There are reputational risks for SCC associated with not fully implementing all the commitments made in the Clean Air Strategy and Air Quality Action Plan.

	<p>This may be the case if measures set out in the plan do not have an associated funding commitment. As discussed, measures presented in the plan are deemed to be a good balance between realistic and ambitious. In addition, Defra guidance suggests that measures which aren't yet funded should be included in the plan instead of not being included.</p> <p>The most recent responses from Defra regarding our ASRs highlighted the need for an updated AQAP to be updated, that same need had been included in the Green City Plan.</p> <p>Although it would have been preferred to update the plan in 2020/21 to better meet Defra's expectations, delay in development of the plan has been necessary for several reasons. These include the need to finalise and evaluate the impact of the Local NO₂ Plan during the COVID19 pandemic, as well as understanding how longer term travel behaviours may affect future concentrations, and to account for two changes in administration and related priorities.</p> <p>Now that these factors have been addressed, it is important that this version of the AQAP is adopted promptly to avoid further reputational risk and potentially action from Defra if further delay is experienced.</p> <p>It should also be noted that <i>"Failure to ensure delivery of statutory air quality standards"</i> as well as <i>"Failure to deliver the key actions and commitments to address climate emergency and biodiversity crisis, as set out in the Green City Charter"</i> both feature on the council's Strategic Risk Register which is reviewed on a quarterly basis by the Executive Directors via the Finance, Commercialisation and Performance Board.</p>
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POLICY FRAMEWORK IMPLICATIONS

25.	<p>The proposal is consistent with and not contrary to the council's policy framework.</p> <p>It aligns strongly with the:</p> <ul style="list-style-type: none"> • Clean Air Strategy 2019-2025 • Our Green City Charter Plan • 2009 Air Quality Action Plan • Southampton Health and Wellbeing Strategy 2017-2025 • Connected Southampton 2040 Local Transport Plan
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KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	

1.	Air Quality Action Plan 2023-2028
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Documents In Members' Rooms

1.	ESIA
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Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
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Data Protection Impact Assessment

Do the implications/subject of the report require a Data Protection Impact Assessment (DPIA) to be carried out.	No
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Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None