

BIRMINGHAM CITY COUNCIL

**REPORT OF THE DIRECTOR OF
REGULATION AND ENFORCEMENT
TO THE LICENSING AND PUBLIC PROTECTION COMMITTEE**

16 NOVEMBER 2022
ALL WARDS

UPDATE REPORT ON AIR QUALITY

1. **Summary**

- 1.1 This report provides Committee with an update on work being undertaken by your officers to address air quality issues across the city within the broad sphere of 'strategic air quality'.
- 1.2 The report may be best viewed as a base line informative report that can lead to more detailed topic specific reports should Committee desire.

2. **Recommendations**

- 2.1. That the report is noted.

Contact Officer: Mark Wolstencroft, Operations Manager Environmental Protection
Telephone: 07766 924993
E-mail: mark.wolstencroft@birmingham.gov.uk

3. Background

- 3.1 This report is an update on activities taken to address air quality since the launch of the Clean Air Zone (CAZ). The development and delivery of an air quality strategy for Birmingham to deliver compliance with national and pan-national regulations remains a key item on the portfolio for the Cabinet Member for Transport.
- 3.2 Air quality regulation may be viewed as falling into one of three broad categories: strategic regulation; proactive regulation; and reactive regulation.
- Strategic regulation involves air quality monitoring to determine concentrations across a geographical area and the taking of positive steps to tackle any issues found, examples being the local air quality management regime and the City Council's response to the Ministerial Direction through the implementation of the CAZ.
 - Proactive regulation involves the inspection of industries who pollute to atmosphere in a controlled manner, the primary legislation being the Environmental Permitting Regulations.
 - Reactive regulation may be best viewed as smaller scale regulation undertaken in response to complaints, for instance under the Clean Air and Environmental Protection acts.
- 3.3 This report to committee will focus predominantly on updating members on developments in strategic air quality having regards to the city of Birmingham.

4. Local Air Quality Management

- 4.1. The Local Air Quality Management (LAQM) regime was introduced in the Environment Act 1995 (the national response to EU Directives) and has remained the overarching regulatory regime for local authorities to monitor and evaluate air quality in their area. The LAQM regime puts a focus on a local authority to identify air pollution hotspots and put in place measures to reduce concentrations to under legal limits.
- 4.2. There is a formal process to follow within LAQM:
- 4.2.1. Monitor and evaluate the quality of the air to identify whether a pollutant limit is being breached
 - 4.2.2. Declare an air quality management area where a pollutant concentration is being breached
 - 4.2.3. Produce an Air Quality Action Plan (AQAP) to direct how that pollutant concentration will be brought back to under legal limits
 - 4.2.4. Continue to monitor the quality of the air to demonstrate any change
 - 4.2.5. Report annually to DEFRA on progress taken in an Annual Status Report (ASR)
- 4.3. Within Birmingham the LAQM regime has identified nitrogen dioxide as the only pollutant which exceeds the legal limit. An air quality management area was declared, and the first AQAP issued in 2006. There have been two subsequent versions of the AQAP, the last being issued in 2021. The primary focus of attention is in the city centre and the mechanism for delivering compliance is the CAZ.

- 4.4. With air quality in the city centre being the focus of the CAZ, the officers involved in monitoring air quality are once more looking at air quality outside the city centre to understand if there have been any negative shift in concentration. The approach being taken is outlined in the AQAP 2021 and involves three tranches of monitoring in areas most likely to be at risk of high pollutant concentrations. Tranche one is underway and will complete at year end and will be reported in the ASR for 2022 whilst tranche two will commence in January 2023.
- 4.5. All reports pertinent to the LAQM process are published at www.birminghamairquality.co.uk.

5. Clean Air Zone (CAZ)

- 5.1. The CAZ launched in June 2021 following extensive consultation. The focus of the CAZ is to deliver air quality concentrations of nitrogen dioxide to below the relevant air quality limits in the shortest possible time and for the City Council to comply with successive Ministerial Directions.
- 5.2. Following the launch of the CAZ monthly factsheets were produced to inform interested persons on changes to vehicles numbers by sector (car, light goods vehicle, heavy good vehicle, etc.) to explain the response to the introduction of the CAZ. These monthly factsheets were superseded by an online data platform that can be interrogated by the user to display the data in many ways. This data platform is available at <https://www.brumbreathes.co.uk/CAZdata>.
- 5.3. Two detailed reports on the performance of the CAZ have been published by the CAZ team supported by your officers. The first a baseline report covering the period in the run up to the launch of the CAZ, the second being a report covering the early phase of operation. A further report is being finalized to explain the impact of the CAZ having regards to further and updated data. The intention is for these successive and future reports to build a narrative to explain how the CAZ is performing in terms of changes in vehicle use and how that is translating into air quality concentrations. The published reports are available for download at <https://www.brumbreathes.co.uk/CAZdata>.
- 5.4. Council officers remain in close working with government departments DEFRA and DfT under the aegis of the Joint Air Quality Unit (JAQU). The Council has to provide regular reports to JAQU on the impacts of the CAZ in terms of road traffic and air quality and receives feedback from JAQU based on their own independent analysis. This data flow will help inform the measure of 'success' i.e. at what point the CAZ will have achieved it's aims and the Ministerial Directions be deemed compliant.

6. Clean Air Strategy

- 6.1. The Clean Air Strategy launched in February 2022 and is designed to go above and beyond the statutory duties of the Air Quality Action Plan. The Clean Air Strategy is centered around five priorities and six pledges, and is available to view at <https://www.brumbreathes.co.uk/downloads/file/197/air-quality-strategy-for-birmingham>

- 6.2. The priorities include, *Improve the vehicle fleet*, by discouraging the most polluting vehicles from our streets. *Improve the flow*, more efficient trips that reduce congestion, which applies to public transport and active travel. *Reduce the volume* of private vehicles. *Reduce sources and exposure of air pollution* for example wood burners. *Empower behaviour change*, enable people to have a choice to be less polluting. These priorities have been used to structure assessments and decision making, for example in highway projects.
- 6.3. The pledges comprise of: *Collaboration* with partner organisations, for example Transport for West midlands and WM-Air. *Clean air for schools*, to reduce air pollution around our schools. *Inclusivity and protecting the vulnerable* making sure that air quality improvements in one area is not to the detriment of other communities. Planning for the future, making sure our strategic decisions are for the long-term benefit of air quality. *Clean Air Zone* which is aimed at discouraging the most polluting vehicles from the city. *Measuring progress*, making sure that good quality data is collected and shared, from air quality to active travel and road traffic.
- 6.4. With regards to the pledge - Clean air for schools, the council has recently been successful in installing over 50 air quality sensors in schools across the city and we aim to have 70 sensors installed by the end of year. The sensors have been supplied by a company called Airly, the data being freely available at <https://airly.org/map/en/>.
- 6.5. This is a collaborative project between Environmental Health, the CAZ Team, Public Health and Travel Demand. The approach is to offer the monitors alongside educational resources to support awareness and engagement with the issues created through poor air quality and some of the possible solutions for addressing some of the issues such as safe school streets, mode shift STARS etc.
- 6.6. To make understanding of air quality as easily accessible as possible, the sensors have been designed with a coloured light that indicates the level of air pollution in real time. The light changes colour from green through to purple depending on the level of air pollution. The sensors have been installed with an information board that explains a little about air pollution and what the sensor light means. For more information see <https://airly.org/en/brum-breathes/> and <https://airly.org/en/case-studies/birmingham-city-council/>
7. Partnership Working
- 7.1. Officers from the local authority are involved in a number of regional partnerships which involves air quality and often generate usable outputs in the form of reports and / or tools.

- 7.2. At a regional level officers participate in the West Midlands Environmental Protection Group (WMEPG) which is a west midlands wide group comprising environmental protection specialists from all seven regional local authorities¹. Whilst the group does not directly focus solely on air quality this does remain a significant portion of the group's professional interest. Also present on the WMEPG are members from the Combined Authority and the WM-Air programme (see below).
- 7.3. Linked into the WMEPG are the West Midlands Combined Authority (WMCA) and the WMEPG members work closely with the WMCA, inputting into regional strategy documents and undertaking joint funding opportunities.
- 7.4. The City Council are members of the West Midlands Air Quality Improvement Programme (WM-Air) which is led by the University of Birmingham and includes a range of partner organizations. WM-Air is an initiative to support the improvement of air quality, and associated health, environment and economic benefits, in the West Midlands. WM-Air has supported the Council on air quality matters by bringing its derived expertise to produce a range of outputs including further air quality monitoring data, a new west midlands wide air quality model, an air quality & health tool as well as bespoke reports which were used to help inform around the impact of Covid. Information on the programme can be found at <https://wm-air.org.uk/>.

8. Consultation

- 8.1. The report is for information and, therefore, no wider consultation has been undertaken other than that specified below.
- 8.2. The Cabinet Member for Transport has been advised as to the content of this report.
- 8.3. Appropriate consultation was undertaken for the relevant policies in advance of their implementation e.g. CAZ, Clean Air Strategy, Air Quality Action Plan.

9. Implications for Resources

- 9.1. Regulation and Enforcement is responsible for elements of the LAQM functions of the local authority, mainly around governance and air quality monitoring. Other services and external partners are responsible for delivering discreet air quality improvements e.g. highway network improvements, vehicle upgrades, directing and supporting policy shift.
- 9.2. Regulation and Enforcement are also responsible for regulating industries and dealing with air quality related complaints which both link into LAQM duties.
- 9.3. The funding for Regulation and Enforcement activity is mostly contained within the core Environmental Health budget.

¹ Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Council, City of Wolverhampton Council

- 9.4. Regulation & Enforcement also lead on the monitoring and evaluation of the CAZ with officers funded from the CAZ funding streams reporting to the Operations Manager Environmental Protection.
- 9.5. Your officers also comment on planning applications and one of these comments is about the possible impact the development may have on air quality. This is very much invest to save in the future.
- 10. Implications for Policy Priorities
 - 10.1. This work supports the Regulation and Enforcement Division's mission statement to provide 'locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors'.
- 11. Public Sector Equality Duty
 - 11.1. The regulation of air quality is important as whilst everyone can be affected by air pollution it is invariably the more inner city wards which are mostly impacted, some of which are home to the poorest and most vulnerable members of our society.

DIRECTOR OF REGULATION AND ENFORCEMENT

Background Papers: Nil