

Birmingham City Council

Report to Cabinet

21 JULY 2020



Subject: Consultation on a new Air Quality Action Plan

Report of: Robert James, Acting Director of Neighbourhoods

Relevant Cabinet Member: Councillor Waseem Zaffar, Cabinet Member for Transport and Environment

Relevant O &S Chair(s): Cllr Liz Clements, Sustainability and Transport

Report author: Mark Wolstencroft, Operations Manager Environmental Protection

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
Is this a key decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If relevant, add Forward Plan Reference: 007698/2020		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

- 1.1 The City Council has a legal duty under the Environment Act 1995 to review the air quality within its boundary and to prepare an action plan to deliver compliance with legal limits.
- 1.2 The Council has declared an Air Quality Management Area for nitrogen dioxide and maintains an Air Quality Action Plan (AQAP). The current version of the AQAP was issued in 2011.
- 1.3 This report seeks to update the AQAP following the changes introduced within the field of air quality management arising from the vehicle emissions scandal and the requirement for Birmingham to introduce a Clean Air Zone.

- 1.4 The first stage of the process is to progress the AQAP to a phase of public consultation and this report seeks authority to commence that public consultation.

2 Recommendations

- 2.1 Approval is sought to:

- Progress the appended consultation version of the Air Quality Action Plan to public consultation.

3 Background

- 3.1 Part IV of the Environment Act 1995 introduced a national framework for air quality management whereby all local authorities are required to annually review the air quality within their boundaries. Following the review local authorities must assess the air quality against the objectives specified for the pollutant of concern. Where the process has indicated that the objective will not be achieved within the statutory timeframe then the local authority is required to designate an Air Quality Management Area (AQMA) at the earliest possible date. The local authority is then required to produce an action plan to demonstrate how the authority intends to work towards meeting the air quality objectives within its Air Quality Management Area.
- 3.2 Following an extensive review Birmingham City Council declared the whole of the city as an AQMA in January 2003 for nitrogen dioxide. This declaration was made in accordance with the requirements of Part IV of the Environment Act 1995.
- 3.3 An Air Quality Action Plan (AQAP) was issued in 2005 and reviewed and updated in 2011. This remains the current version of the AQAP. The intention was to update the plan in 2016 but early discussions with Central Government suggested the need for an area-based intervention and the decision was taken to delay the introduction of an updated plan pending the work into what became the Clean Air Zone (CAZ).
- 3.4 Now that the feasibility study for the CAZ has been completed, incorporating an update to the road network model and the introduction of new emission factors following the vehicle emissions scandal (colloquially, the “VW scandal”) it became necessary to review pollutant concentrations outside of the city centre area and this version of the AQAP seeks to do that in a phased, intelligence led approach.
- 3.5 The current version of the AQAP focuses on the city centre area as a polluted area as that is consistent with monitoring and modelling data available at the time the plan was issued (2011). This is also consistent with Defra modelling leading into the discussions around a CAZ.
- 3.6 There is however a recognised need to review air quality outside the city centre in more detail due to changes in the vehicle fleet (numbers and composition) and due to changes in emission factors following the vehicle emissions scandal.
- 3.7 An intelligence led approach has been devised to deliver this review based on changes to our existing model, updated vehicle flows and changes to exposure brought about by new residential development and changes in occupancy.

- 3.8 All AQAP's are required to be consulted upon within the local authority area and with key organisations. This report introduces the proposed consultation version of the AQAP and seeks Cabinet approval to progress to formal public consultation in line with the Local Air Quality Management process.

4 Options considered and Recommended Proposal

- 4.1 Do not progress the review the AQAP. This is contrary to both our legal duty and our moral duty to improve air quality across Birmingham.
- 4.2 Progress the review of the AQAP to public consultation with / without amends from Cabinet is the recommended proposal.

5 Consultation

- 5.1 None at this stage. The aim of the report is to seek Cabinet approval to progress the AQAP to public consultation.

6 Risk Management

- 6.1 It is necessary to undertake public consultation before a new AQAP is issued. If we do not consult then a new AQAP cannot be issued and the Council could be open to criticism for maintaining an out of date AQAP.
- 6.2 The Environmental Health service will continue with the proposed strategy within the consultation version of the AQAP to assess the quality of the air and thus discharging the Council's legal duties. This will be done even in the absence of an updated AQAP; the risk arising from this approach is that the strategy is not transparent to the public, although the direction of the strategy is intelligence led, has had input from Air Quality Consultants Ltd and thus is deemed professionally robust.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

- 7.1.1 The proposal supports Priority 4 of Outcome 4 of the Birmingham City Council Plan 2018 – 2022 (Updated 2019) i.e. We will improve the environment and tackle air pollution.

7.2 Legal Implications

- 7.2.1 In order to ensure that air pollution is effectively tackled it is necessary to continue to review and assess air quality in line with our legal duty under Part IV of the Environment Act 1995 and to take appropriate action where air pollution is found to be above the legal limit.

7.3 Financial Implications

7.3.1 There are no financial implications outside the approved budget, although the results of the consultation could present financial implications. It is not possible to identify what these may be at this time.

7.3.2 Any schemes delivered by the City Council as a result of the AQAP will be subject to approval through the Council's Gateway and related Financial Approval Framework, which will include the identification of financial implications (both capital and revenue) and associated resources.

7.4 Procurement Implications (if required)

7.4.1 No procurement implications have been identified.

7.5 Human Resources Implications (if required)

7.5.1 No human resource implications have been identified.

7.6 Public Sector Equality Duty

7.6.1 An Equalities Impact Screening Assessment (EIA) has been undertaken (Appendix 2). Air pollution is recognised to have a disproportionate impact to groups within society and the AQAP seeks to improve air quality for all including providing an additional benefit to those who would otherwise be disproportionately affected by poor air quality.

7.6.2 A further EIA will be undertaken once the consultation phase of the AQAP has been completed.

8 Background Documents

8.1 None.

List of appendices accompanying this report:

Appendix 1 – Consultation version of the proposed Air Quality Action Plan

Appendix 2 – Equality Initial Assessment