

## REPORT TO CABINET

<b>Open/Exempt</b>		Would any decisions proposed :		
<b>Any especially affected Wards</b>	Mandatory/	Be entirely within Cabinet's powers to decide	YES/NO	
	Discretionary /	Need to be recommendations to Council	YES/NO	
	Operational	Is it a Key Decision	YES/NO	
Lead Member: Cllr B Long E-mail: cllr.brian.long@west-norfolk.gov.uk		Other Cabinet Members consulted:		
		Other Members consulted:		
Lead Officer: Dave Robson E-mail: dave.robson@west-norfolk.gov.uk Direct Dial:01553 616302		Other Officers consulted: Geoff Hall, Fabia Pollard, Air Quality Steering Group Ian Parkes, Norfolk County Council		
Financial Implications YES/NO	Policy/Personnel Implications YES/NO	Statutory Implications YES/NO	Equal Impact Assessment YES/NO If YES: Pre-screening/ Full Assessment	Risk Management Implications YES/NO

Date of meeting: 31<sup>st</sup> March 2015

### AIR QUALITY ACTION PLAN

#### Summary

This report highlights the work which has been completed in drawing up an Air Quality Action Plan (AQAP) and the mechanisms used to consult with the public and stakeholders on the proposed air quality reduction measures

#### Recommendation

That Cabinet adopt the Air Quality Action Plan

#### Reason for Decision

To allow Air Quality Action Plan to be implemented.

## 1 Background

1.1 The Borough Council has a statutory duty under Part IV of the Environment Act 1995 to review and assess air quality across its district. Air quality monitoring has shown that the levels of Nitrogen Dioxide (NO<sub>2</sub>) exceed the annual mean objective in two areas within King's Lynn.

1.2 The Borough has declared these two areas as Air Quality Management Areas (AQMA). The main source of NO<sub>2</sub> in both AQMA's is from road transport.

1.3 If an area is declared as an AQMA, then the Borough Council has a statutory duty to develop, adopt and implement an Air Quality Action Plan (AQAP) within 12-18 months of declaration. The draft AQAP must be

submitted to DEFRA, other stakeholders and undergo an 8 weeks public consultation before being adopted.

1.4 The measures within the AQAP will then be implemented through the Air Quality Steering Group (AQSG).

## **2 Air Quality Action Plan**

2.1 DEFRA/Secretary of State has issued statutory Local Air Quality Management (LAQM) Policy Guidance 2009 (LAQM PG 09) regarding the setting up of a steering group, format of action plan, consultation and measures to be considered.

2.2 An AQAP must include the following:

- Quantification of the source contributions to the predicted exceedances of the relevant objectives; this will allow the Action Plan measures to be effectively targeted;
- Evidence that all available options have been considered;
- How the Borough Council will use its powers and also work in conjunction with other organisations in pursuit of the air quality objectives;
- Clear timescales in which the Borough Council and other organisations propose to implement the measures within the plan;
- Where possible, quantification of the expected impacts;
- How the Borough Council intends to monitor and evaluate the effectiveness of the plan

2.3 DEFRA have included in LAQM PG (09) several local authority measures that should be considered. These measures include:

- Traffic regulation
- Traffic calming
- Reallocation of road space
- High occupancy vehicles lanes
- Vehicle restricted areas
- Parking controls
- Traffic control systems
- Speed limits
- Transport information & guidance systems
- Home zones
- Clear zones
- Park & ride
- Smarter choices (travel plans, car sharing etc)

### **3 Air Quality Steering Group**

3.1 An Air Quality Steering Group (AQSG) has been set up under the Portfolio Holder – Environment who chairs the group. The group has met several times and has drawn up a draft Air Quality Action Plan (AQAP). The group membership includes officers from Planning Control, Planning Policy, Regeneration, Car Parks, NCC Transport Planning and Environmental Quality.

3.2 The AQAP needs to link to other corporate policy areas; namely the Local Development Framework, Local Transport Plan, parking management, town centre redevelopment and environmental statement. All these areas have potential impacts on air quality within the AQMA's and therefore these policies need to complement each other, rather than conflict. The aim of the plan is to achieve a win/win situation with the AQAP measures by reducing idling traffic, reducing traffic congestion, increase traffic speed through the town, improving public transport and alternative transport methods with added benefits of improving access to King's Lynn with positive impact on businesses and tourism.

### **4 Consultation**

4.1 Cabinet agreed on 29<sup>th</sup> July 2014 to a public consultation on the draft AQAP which was carried out between 1<sup>st</sup> August and 30<sup>th</sup> September 2014. This included a media release and dedicated consultation webpage including an online survey. Public drop in sessions were also held at Kings Lynn Central Library and Gaywood Libraries.

4.2 The draft AQAP was sent out for consultation with the following: -

- Secretary of State (DEFRA)
- King's Lynn Area Consultative Committee
- Elected Members
- Environment Agency
- Norfolk County Council including Highways
- Neighbouring district local authorities
- Members of the public and interested bodies through website site, press articles and drop in session at Central and Gaywood libraries and online customer survey
- Bus operating companies
- King's Lynn Chamber of Commerce

4.3 A report detailing the consultation responses is contained in Appendix 1. The highest level of support was for actions:

- to improve public transport (including the West Lynn Ferry),
- considering air quality impacts of development in air quality management areas,
- traffic management in the air quality management areas,
- to improve provision for cycling and walking
- travel plans,
- traffic control systems,
- road layout

4.4 DEFRA have considered the draft AQAP and are supportive noting “The overall plan is clear, comprehensive and substantially follows the guidance outlined in LAQM PG(09). The plan provides a background to the review and assessment work undertaken by the Council. This includes the findings of the source apportionment exercise undertaken in the detailed and further assessment stages, and a statement on the required reductions in emissions and NO<sub>2</sub> concentrations for the two AQMA.”

4.5 The draft AQAP has been developed after reviewing several different measures. The final AQAP recommends that 20 measures should be taken forward. A copy of the Non-technical Summary is attached as Appendix 2 which highlights the 20 measures that are proposed to be taken forward.

4.6 Whilst some alternative measures were suggested as part of the consultation process, these have already been considered and disregarded as either not being feasible, cost benefit being low or an alternative measure has been included in the AQAP. Therefore it is not proposed to remove any proposed action plan measures or add any additional measures.

## **5 Policy Implications**

5.1 The Air Quality Action Plan that will be used to implement measures that are designed to, in combination, reduce the levels of NO<sub>2</sub> to levels below the National Air Quality Objective and eventually lead to the revocation of both AQMA’s within King’s Lynn.

## **6 Financial Implications**

6.1 None identified

## **7 Personnel Implications**

7.1 None identified

## **8 Statutory Considerations**

8.1 It is a legal requirement to complete, adopt and implement an AQAP if a local authority declares an AQMA.

8.2 Once adopted, this policy will form part of the guidance for proposed planning developments in or adjacent to the AQMA's.

8.3 The UK faces legal action over NO<sub>2</sub> breaches. Some of the UK's air-quality zones breach the 40 microgram per cubic metre NO<sub>2</sub> annual mean limit that should have been met by 1 January 2010. The Court of European Justice has ruled in that the UK has breached the air quality directive. As a result of the ruling, political pressure may now similarly build for a revision of the air quality directive to allow greater provision for exceedances or more relaxed time limits. A fine would be the ultimate step in legal action. The Government have discussed the possibility of transferring any fine to individual local authorities where breaches have occurred. However, no decision has been made on this issue to date.

## **9 Equality Impact Assessment (EIA)**

(Pre screening report template attached)

9.1 A pre-screening assessment has been completed and no issues were identified.

## **10 Risk Management Implications**

10.1 As discussed in section 8 above, there are legal implications if this work is not completed.

## **11 Declarations of Interest / Dispensations Granted**

11.1 None identified.

## **12 Background Papers**

Annual Air Quality Reports  
Air Quality Monitoring Results  
Air Quality Management Orders for both AQMA  
DEFRA LAQM TG(09)  
DEFRA LAQM PG (09)  
NSCA/ EPUK air quality guidance documents  
AQAP Consultation responses  
DEFRA Action Plan Appraisal Report 25.11.2014



## Pre-Screening Equality Impact Assessment

Name of policy/service/function	Air Quality Action Plan				
Is this a new or existing policy/ service/function?	New / Existing (delete as appropriate)				
Brief summary/description of the main aims of the policy/service/function being screened. Please state if this policy/service rigidly constrained by statutory obligations	To reduce traffic related emissions of NO <sub>2</sub> within both King's Lynn AQMA				
<b>Question</b>	<b>Answer</b>				
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups according to their different protected characteristic, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			X	
	Disability			X	
	Gender			X	
	Gender Re-assignment			X	
	Marriage/civil partnership			X	
	Pregnancy & maternity			X	
	Race			X	
	Religion or belief			X	
	Sexual orientation			X	
	Other (eg low income)			X	
<b>Question</b>	<b>Answer</b>	<b>Comments</b>			
<b>2. Is the proposed policy/service likely to affect relations between certain equality communities or to damage relations between the equality communities and the Council, for example because it is seen as favouring a particular community or denying opportunities to another?</b>	Yes / No				
<b>3. Could this policy/service be perceived as impacting on communities differently?</b>	Yes / No				
<b>4. Is the policy/service specifically designed to tackle evidence of disadvantage or potential discrimination?</b>	Yes / No				
<p><b>5. Are any impacts identified above minor and if so, can these be eliminated or reduced by minor actions?</b> If yes, please agree actions with a member of the Corporate Equalities Working Group and list agreed actions in the comments section</p>	Yes / No	<b>Actions:</b>			
		<b>Actions agreed by EWG member:</b> .....			
<b>Assessment completed by:</b> <b>Name Dave Robson</b>					
<b>Job title Environmental Health Manager - Environment</b>	<b>Date 24.04.2014</b>				

**Please Note: If there are any positive or negative impacts identified in question 1, or there any 'yes' responses to questions 2 – 4 a full impact assessment will be required.**