

**Title of meeting:** Cabinet Member for Traffic and Transportation Decision Meeting

**Date of meeting:** 17th July 2017

**Subject:** Air Quality Strategy

**Report by:** Alan Cufley, Director of Transport, Environment and Business Support

**Wards affected:** All

**Key decision:** No

**Full Council decision:** No

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## **1. Purpose of report**

- 1.1 The purpose of this report is to provide information on the results of the public consultation on the draft Air Quality Strategy 2017-2027, and to note the amendments made to the strategy as a result of the public consultation.
- 1.2 The further purpose of this report is to seek adoption of the draft Air Quality Strategy, as attached in:  
Appendix A: Draft Air Quality Strategy 2017 - 2027

## **2. Recommendations**

- 2.1 That the Cabinet Member for Traffic and Transportation adopts the Air Quality Strategy 2017-2027

## **3. Background**

- 3.1 Portsmouth City Council acknowledges the impact that poor air quality has on health, and the need for co-ordinated action to reduce air pollution. The attached draft Air Quality Strategy sets out how we intend to drive forward improvements to air quality across the city.
- 3.2 Following approval at the Traffic and Transportation meeting on 16<sup>th</sup> March 2017, public consultation on the draft Air Quality Strategy ran for a period of 6 weeks, from Monday 27<sup>th</sup> March until Monday 8<sup>th</sup> May. The strategy was available online along with a consultation questionnaire. Posters advertising the consultation were included in local libraries, and council e-newsletters. In addition, face-to-face meetings with residents were held during routine community engagement work in Commercial Road, and presentations were given at The Old Portsmouth and Gunwharf Quays Neighbourhood Forum, The Transport Liaison Group meeting and Green Drinks (a local community group interested in environmental issues).

- 3.3 A total of 58 questionnaire responses were received, and of these, 50 were from individual residents (86.2%). A further five responses were received via email. A consultation report was produced, as attached in:

Appendix B: Draft Air Quality Strategy Consultation Results Report

#### 4. Summary of Responses

- 4.1 The consultation responses showed strong support for action and awareness to further improve local air quality. Of the 58 respondents who completed the questionnaire, 55.4% either agreed or strongly agreed with the aims of the strategy, with 50.9% either agreeing or strongly agreeing with the strategic objectives.
- 4.2 The table below highlights the key themes or issues raised during the consultation, with a response for each:

Theme/ Issue	Response
More provision for, and better promotion of walking and cycling	<p>Portsmouth has a large number of walking and cycling routes, but further work is required to complete the network creating continuous facilities that are safe and attractive to use. Increased uptake of walking and cycling across the city can contribute to improving health, well-being and local air quality.</p> <p>PCC is currently producing a draft Cycling and Walking Strategy to bring further improvements to the cycling and walking network. This strategy will incorporate the objectives from the Government's Local Cycling and Walking Investment Strategy, and will work towards the Government's ambitious targets for walking and cycling. The work arising from this strategy will complement the Air Quality Strategy.</p>
The aims or strategic objectives should be more ambitious	<p>The Air Quality Strategy is a long term 10 year document, and does not include specific details about measures which will be used to reduce air pollution. These specific details will be provided in a new Air Quality Action Plan (AQAP), which will be developed over the coming months. This new AQAP will build on the work that has already been delivered to reduce air pollution in Portsmouth.</p> <p>Local Authorities are required to produce an Annual Status Report (ASR) for DEFRA, work on which is currently underway by PCC. The results from this, along with the results from an updated Source Apportionment Study, will inform the needs and targets of the AQAP. Once identified, an Air Quality Steering Group, including representation from PCC, local businesses and stakeholder groups, will be formed to help develop the AQAP and to monitor its progress.</p> <p>The AQAP will detail measures to improve air quality and quantify their impact over time.</p>
There needs to be a priority on improving health	<p>The strategy recognises that poor air quality has a negative impact on human health. A key aim of the strategy is therefore to contribute to the protection of public health. Through the various measures that will arise from the work of this strategy, improvements will be made in support of protecting public health from local air pollution. We will</p>

	also work closely with Public Health to strengthen the work in this area.
Improved communication and engagement to raise awareness of air quality and air pollution	The strategy identifies the need to engage with residents and commuters, in order to raise awareness of air pollution and the effects it can have, and to encourage consideration of sustainable travel behaviour. Much work has already taken place in this area over recent years, and through the life of this strategy, further initiatives will be developed to continue to promote and support active travel and sustainable travel options.
No measureable outcomes/ targets	The Air Quality Strategy is a long term 10 year strategy, which seeks continuous improvements to air quality and compliance with national targets. Further specific targets will be provided in the Air Quality Action Plan, as detailed above.
Consideration of planning, trees and green space	No specific reference to the use of trees and green space had previously been made within the strategy, however further investigation into this would be beneficial. An additional action will therefore be added to the section 'The approaches we will take' on page 20. This addition will read: <b>'Investigate the role that green infrastructure can play in Portsmouth in helping to remove contaminants from the air'</b> .
The strategy lacks detail on specific action and how improvements to air quality will be achieved. Some requests were made to see the Air Quality Action Plan	A new Air Quality Action Plan will be developed over the coming months, which will provide specific detail on a range of actions to address the problems associated with air pollution in the local area. The Air Quality Action Plan will be presented at Traffic and Transportation Committee for formal adoption, giving an opportunity for individuals to make representations.
Greater use and promotion of electric/ hybrid vehicles	PCC is keen to investigate the potential for introducing additional electric vehicle charging points around the city, and are planning to trial electric vehicle charging points at three council owned car parks across the city.  In addition to this consideration is being given to submitting a bid to OLEVs On-street Residential Charge Point Scheme (OSRCS).  One of the actions listed in the strategy was for the development of a Low Emission Vehicle Policy for Portsmouth. This will now be incorporated into the Local Transport Plan however, rather than the development of a separate policy. The wording on page 20 <b>"Develop a Low Emission Vehicle Policy"</b> will therefore be removed.
Public transport should be 'green', buses should be electric	Whilst PCC does not have any direct influence on the type of bus fleet used by local bus operators, we will continue to work closely with them in order to support the services being as sustainable as possible. We will continue to actively seek funding opportunities to support the introduction of electric buses in the city. An additional action will be added to the section 'The approaches we will take' on page 20. This addition will read: <b>Work with bus operators to facilitate improvements to the existing fleet and to</b>

	<p><b>collaboratively seek funding for the possible introduction of electric buses in Portsmouth".</b></p> <p>Currently in Portsmouth, the majority of the bus fleet are Euro 5 or Euro 6 level or above, meaning that they meet stringent emission standards (Euro levels range from 1 to 6 with level 6 being the most environmentally friendly).</p>
There needs to be a Clean Air Zone or car free city centre	<p>Following the development of the Air Quality Strategy, consideration will be given to the most appropriate local solutions for reducing air pollution.</p> <p>Whilst there is currently no obligation on PCC to develop a clean air zone in the city, further work will be needed in order to determine which measures will be most suitable, including whether a clean air zone will be required.</p>
There is a lack of political will/courage to tackle air pollution	<p>Tackling air pollution is a priority in both local and central Government, with a strong desire to see air pollution reduced to safe and compliant levels. The Department for Environment, Food and Rural Affairs (DEFRA) advise of the paramount importance in ensuring Action Plans fulfil their goal in achieving reductions in local air pollution.</p> <p>PCC is keen to move forward with the delivery of effective schemes and initiatives which will support a reduction in local air pollution and support the delivery of the Governments aims, at the local level.</p>
More use of public transport	<p>Whilst PCC does not have a direct influence on the services run by the local bus operators, we will continue to work closely with them to work towards ensuring good coverage of routes across the city.</p>
More should be done to reduce engine idling	<p>Whilst PCC does not currently formally enforce vehicle idling, there has been a focus on education of this issue, with awareness campaigns being run which have highlighted the importance of switching off engines when stationary.</p> <p>Further consideration of effective ways to reduce engine idling and raise awareness of the need to avoid it will take place during the life of the strategy, to help to reduce emissions and improve the quality of the air.</p>
Park and Ride should be extended during football matches	<p>The option to extend the Park and Ride service during football matches has been investigated in the past. Whilst it was not a viable option at the time, we will bear this potential option in mind for possible future consideration if appropriate. From our experience, for this option to be a possibility, significant subsidy would be required.</p>

4.3 The overall response to this consultation shows that there is strong desire for measures to improve local air quality.

- 4.4 The Air Quality Strategy will help to drive improvements towards a healthier city for all, leading on a collaborative approach in reducing air pollution across the city. The Air Quality Action Plan, once developed, will detail the specific measures that will be implemented.

## 5. Equality Impact Assessment

- 5.1 A full equality impact assessment is not required as the recommendations do not have a disproportional negative impact on any of the specific protected characteristic as described in the Equality Act 2010. A preliminary equality impact assessment has been carried out for the Air Quality Strategy and this indicates that:
- The Air Quality Strategy has been developed to improve air quality across the city for the benefit of all, including those who live, work and visit the city, regardless of their equality group.
  - The improvements to air quality that come out of this strategy will bring about significant and lasting benefits, with positive effects on public health and wellbeing for all.
  - The strategy is not intended to discriminate against anyone and the various approaches and actions suggested within it are not considered to have any negative impacts on any protected characteristic.

## 6. Legal Implications

- 6.1 As a local authority, the Council has a statutory duty under Local Air Quality Management (LAQM) legislation (Part IV of the Environment Act 1995 (EA 1995)) to review air quality and assess whether the air quality standards and objectives (set out in the Air Quality (England) Regulations 2000 and in the [National Air Quality Strategy](#)) are being achieved. Where the relevant standards and objectives are not being met, or are not likely to be met, the Council is required by order to designate air quality management areas and to prepare and implement a remedial Air Quality Action Plan (AQAP).
- 6.2 The Department for Environment, Food & Rural Affairs has issued statutory guidance to local authorities on the exercise of their functions under the LAQM legislation - 'Local Air Quality Management Policy Guidance (PG 16) April 2016': <https://laqm.defra.gov.uk/documents/LAQM-PG16-April-16-v1.pdf>. The Council must have regard to this guidance in exercising its relevant functions.
- 6.3 [The LAQM legislation does not place an absolute obligation on the Council to meet the relevant national standards and objectives, but merely requires that the Council takes action "in pursuit of the achievement of air quality standards and objectives in the designated area" \(Section 84 of the EA 1995\).](#)
- 6.4 The Air Quality Strategy proposed for adoption in this report has been developed with a view to assisting the Council to meet its legal obligations in relation to LAQM and having due regard to the statutory guidance.
- 6.5 It must be noted however, that in June 2017 Central Government completed a consultation on a revised air quality plan on tackling nitrogen dioxide, which is planned to be published by 31<sup>st</sup> July 2017. Details of the consultation are available on the DEFRA website at:

<https://consult.defra.gov.uk/airquality/air-quality-plan-for-tackling-nitrogen-dioxide/>. The proposed Air Quality Action Plan envisages new obligations to be placed on Local Authorities in respect of management of air quality which will need to be taken into account when implementing the Council's proposed Air Quality Strategy.

- 6.5 A public consultation was carried out in respect of the Council's proposed Air Quality Strategy, the details of which are set out in the Appendix B. In 2016, the Cabinet Office published updated guidance on the consultation principles that central government and other public bodies should adopt ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/492132/20160111\\_Consultation\\_principles\\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf)). In addition, case law provides guidance on what constitutes lawful consultation. The so-called "Gunning principles" (as set out in *R v London Borough of Brent, ex p Gunning [1985] LGR 168*) have often been accepted and applied by the courts in consultation challenges and provide that:
- a) The consultation must be at a time when proposals are still at a formative stage.
  - b) The proposer must give sufficient reasons for any proposal to permit an intelligent consideration and response.
  - c) Adequate time must be given for consideration and response.
  - d) The product of consultation must be conscientiously taken into account in finalising any statutory proposals.
- 6.6 Based on the information contained within the results of the consultation on the proposed Air Quality Strategy, the above consultation principles have been followed.

## **7. Director of Finance's comments**

- 7.1 There are no additional resource requirements or adverse financial implications arising from the adoption of the Air Quality Strategy, although it is recognised that the subsequent delivery of the strategy may identify projects in the future that will have financial implications. Each of these future projects will need to be supported by a robust financial appraisal that demonstrates that the project is not only in accordance with the approved strategy, but also delivers ongoing value for money for the Council.

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Signed by:  
Alan Cufley  
Director of Transport, Environment and Business Support

**Appendices:**

Appendix A - Air Quality Strategy (draft)  
Appendix B - Draft Air Quality Consultation Results Report

**Background list of documents: Section 100D of the Local Government Act 1972**

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

<b>Title of document</b>	<b>Location</b>
Preliminary Equality Impact Assessment	Transport Planning Team, Corporate Communications Team and Equalities Unit.

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected  
by ..... on .....

.....  
Signed by:  
Councillor Simon Boshier  
Cabinet Member for Traffic and Transportation