

Title of meeting: Cabinet

Date of meeting: 6th October 2020

Subject: Clean Air Zone: Consultation Feedback

Report by: Hayley Trower, Air Quality Lead for Transport

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 This report provides an overview of the results of the recent public consultation that sought views on the operation of the charging Clean Air Zone (CAZ) in Portsmouth. In particular this report discusses the results relating to changes to the CAZ boundary.
- 1.2 Central Government has imposed a Ministerial Direction on the City Council to deliver a Class B charging CAZ (and other measures) to reduce levels of nitrogen dioxide to comply with at least the legal limit value in the shortest possible time¹. Therefore the report explains how the consultation results will be used as part of the council's work to address the requirements of this direction.
- 1.3 The report explains how the data collected from the public consultation will be used to inform the final design of the CAZ and the production of Portsmouth's Local Air Quality Plan Final Business Case which must be submitted to central Government later this year.

2. Recommendations

It is recommended that Cabinet:

- 2.1 Approve removal of Kingston Crescent and Fratton Road from the within CAZ boundary.
- 2.2 Approve reduction of the CAZ boundary to remove Fratton Roundabout and Holbrook Road Roundabout

¹ In the case of the Air Quality Local Plan this is considered to be measures that can be delivered as quickly as or more quickly than a charging Clean Air Zone can be made operational. JAQU consider that a charging CAZ could be operational in Portsmouth by the end of 2021; therefore other measure must be capable of being delivered by this date to be considered.

- 2.3 Do not approve the reduction of the CAZ boundary to enable access to the Isle of Wight ferry terminal.
- 2.4 Approve the reduction of the CAZ boundary to fall south of Princess Royal Way.
- 2.5 Do not approve increasing the size of the CAZ to cover the whole of Portsea Island.
- 2.6 Delegate authority to the Cabinet Members for Traffic & Transport and Environment & Climate Change to approve minor changes to the CAZ boundary that may arise as a result of the detailed site surveys which are yet to be undertaken.

3. Background

- 3.1 Air pollution is known to have a significant effect on public health, and poor air quality is the largest environmental risk to public health in the UK. Epidemiological studies have shown that long-term exposure to air pollution reduces life expectancy and exacerbates pre-existing conditions such as respiratory and cardiovascular diseases.
- 3.2 The annual mortality burden of human-made air pollution in the UK is roughly equivalent to between 28,000 and 36,000 deaths. Short-term exposure to elevated levels of air pollution can also cause a range of effects including exacerbation of asthma, effects on lung function, increases in respiratory and cardiovascular hospital admissions and mortality.
- 3.3 The main pollutant of concern in Portsmouth is Nitrogen Dioxide (NO₂). Public Health England advise that it is well established that NO₂, particularly at high concentrations, is a respiratory irritant that can cause inflammation of the airways. There is currently no clear evidence of a threshold concentration of NO₂ in ambient air below which there are no harmful effects for human health.
- 3.4 In 2010 Air Quality Standards Regulations were introduced into English Law and set legal binding limits for concentrations of major air pollutants that affect human health, including nitrogen dioxide and particulates. Regulation 26 of this legislation requires the Secretary of State to develop and implement a national Air Quality Plan demonstrating how the limit values for air pollution will be achieved in the shortest possible time. Since 2010, the UK has been in breach of legal limits for nitrogen dioxide in many major urban areas.
- 3.5 Environmental campaign organisation ClientEarth have challenged the government's Air Quality plans in the High and Supreme Courts for failing to include the actions necessary to achieve the legal limit value for nitrogen dioxide in the shortest possible time. Each of the successful legal challenges brought by ClientEarth has results in an increased number of local authorities across the country being directed to take legal action to improve air quality in their area:
 - 2015, Wave 1: Birmingham, Leeds, Nottingham, Derby and Southampton

- 2017, Wave 2: 23 additional local authorities: North Tyneside; Newcastle-upon-Tyne; Gateshead; Middlesbrough; Bury; Bolton; Salford; Trafford; Manchester; Stockport; Tameside; Sheffield; Rotherham; Coventry; Basildon, Rochford; Surrey Heath; Guildford; Rushmoor; Bristol; Bath & North East Somerset; Fareham; New Forest.
- 2018, Wave 3: 33 additional local authorities including Portsmouth. South Tyneside; Sunderland; Bradford; Calderdale; Burnley; Wakefield; Kirklees; Oldham; Sefton; Liverpool; Stoke-on-Trent; Newcastle-under-Lyne; Bolsover; Ashfield; Peterborough; Leicester; Blaby; Walsall; Wolverhampton; Sandwell; Dudley; Solihull; Cheltenham; Oxford; South Gloucestershire; Broxbourne; Southend-on-sea; Reading; Basingstoke & Deane; Bournemouth; Poole; Plymouth; Portsmouth.

Charging Clean Air Zone

- 3.6 The Government suggests that Charging Clean Air Zones (CAZ) are an effective way to deliver compliance with legal limits for nitrogen dioxide in the shortest possible time. Charging CAZs define areas that vehicle owners are required to pay a charge if they drive through or within. The charge only applies to older, more polluting vehicles, specifically diesel vehicles that are older than Euro 6 and petrol vehicles that are older than Euro 4.
- 3.7 The Clean Air Zone Framework sets out four different classes of charging CAZ, detailing the types of vehicles subject to a charge under each class:
- Class A: Buses, coaches, taxis and private hire vehicles
 - Class B: Buses, coaches, taxis, private hire vehicles and heavy goods vehicles
 - Class C: Buses, coaches, taxis, private hire vehicles, heavy goods vehicles and light goods vehicles
 - Class D: Buses, coaches, taxis, private hire vehicles, heavy goods vehicles, light goods vehicles and cars

Ministerial Directions issued to Portsmouth City Council

- 3.6 Portsmouth City Council has been issued with three Ministerial Directions. These place a legally binding duty on the Council to undertake a number of steps to improve air quality in the city:
- Ministerial Direction 1 (March 2018): Required the Council to develop a Targeted Feasibility Study (TFS) by 31 July 2018 for two specified road links in the city: A3 Mile End Road and A3 Alfred Road. These two roads were selected as they were projected to have nitrogen dioxide (NO₂) exceedances in Defra's national PCM model.
 - Ministerial Direction 2 (October 2018): Following the results of the TFS, PCC were issued with a further Ministerial Direction in October

2018, this time to undertake a bus retrofit programme. The Ministerial Direction stipulated that the programme should be undertaken as quickly as possible with the purpose of bringing forward compliance with legal levels of NO₂ on A3 Mile End Road and A3 Alfred Road.

- Ministerial Direction 3 (October 2018): The third Ministerial Direction required PCC to produce an Air Quality Local Plan to set out the case for delivering compliance with legal limits for NO₂ in the shortest possible time. The Outline Business Case for this Plan was submitted in October 2019.
- Ministerial Direction (March 2020): The fourth Ministerial Direction required PCC to implement a Class B charging Clean Air Zone, and supporting measures, in Portsmouth as soon as possible and in time to bring forward compliance with legal limits for nitrogen dioxide to 2022.

4. Development of the Portsmouth Air Quality Local Plan

4.1 In October 2019 a report was presented to this Cabinet detailing the contents of Portsmouth's Local Air Quality Plan that was produced in fulfilment of the ministerial directions detailed in paragraph 3.6 of this report. Following Cabinet approval the plan was submitted to central Government on 31st October 2019. After a thorough review the plan was formally approved by Ministers in March 2020. At this point PCC was issued with its forth Ministerial Direction to deliver the Class B CAZ.

4.2 Following receipt of Ministerial approval PCC have undertaken to appoint a supplier to design the CAZ in Portsmouth. After a rigorous procurement process Siemens has been selected to carry out this work. Their experience of designing and installing the CAZ's in Leeds and Birmingham will be highly beneficial to the project.

Impact of the coronavirus pandemic

4.3 Shortly after the forth Ministerial Direction was issued to PCC central Government introduced lockdown measures to reduce the spread of the coronavirus. The lockdown measures resulted in significant reductions in vehicle movements in the city as residents observed the lockdown restrictions. At the height of lockdown use of motorised traffic in the city decreased to as low as 34% of pre-lockdown levels and cycling numbers increased to as much as 156% compared to last year. However, as some level of 'normal' activity resumes traffic levels are increasing and traffic levels along the main routes in the city have now returned to pre-lockdown levels, and in some places traffic volumes have been recorded to be as high as 124% of pre-lockdown levels (see figure 1).

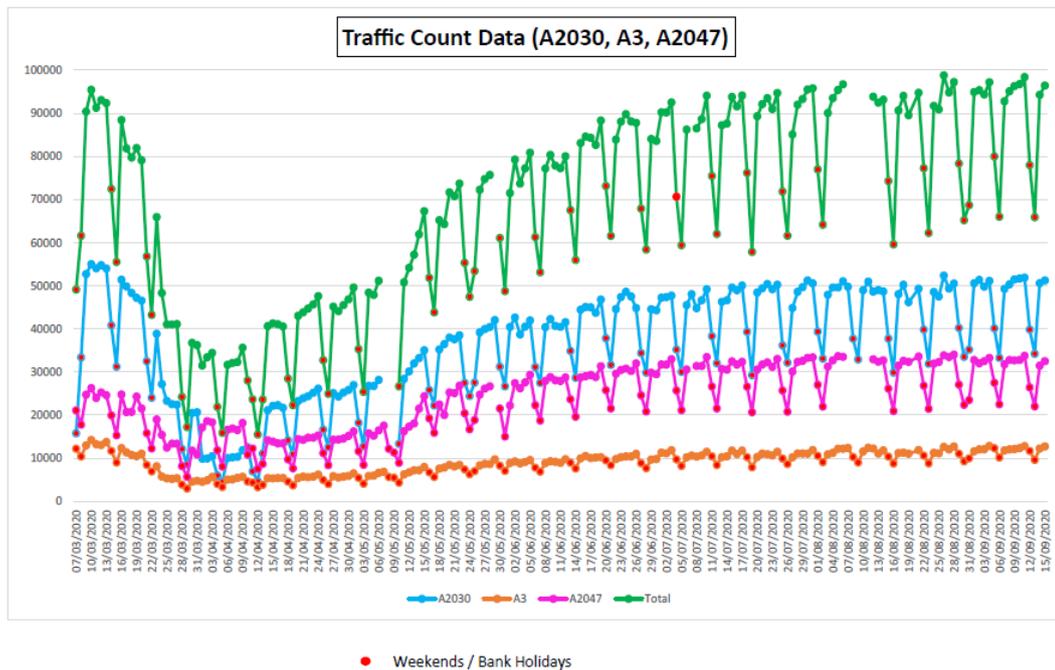


Figure 1. Traffic volumes along key routes in the city (March- September '20)

- 4.4 As road vehicles have been identified as one of the main contributors to concentrations of NO₂ in the city it is important to consider the impact that the short-lived reductions in traffic volumes might have on the CAZ. As noted in the report to this Cabinet on 29th October 2020, central Government's Joint Air Quality Unit (JAQU) require that we undertake air quality and transport modelling² to forecast possible future concentrations on NO₂ in the city to establish whether compliance is likely to be reached in future years.
- 4.5 PCC and our consultants have therefore been considering a number of possible future scenarios with regards to future traffic volumes and travel behaviour in light of the pandemic, to understand what impact this could have on compliance. As we do not know what the future holds these sensitivity tests forecast a range of possible outcomes. Appendix 2 to this report provides details of the coronavirus sensitivity tests that have been undertaken.
- 4.6 At the point of publishing this report JAQU have not confirmed to PCC what the intended next steps are following completion of the sensitivity tests and whether

² Aecom have undertaken air quality modelling on behalf of PCC using Cambridge Environmental Research Consultant's (CERC) Atmospheric Dispersion Modelling System for Roads (ADMS-Roads) v4.1. This model is recognised by Defra and JAQU as suitable for predicting pollutant concentrations from road emission sources. The full air quality modelling methodology for the development of the Plan can be found at appendix 2 to this report.

The SRTM model provides a number of outputs including annual average daily and weekly traffic on each link road in the model, journey time on each road link as well as junction delay for each vehicle user class. Such outputs are inputted into the ADMS-Roads model so that the air quality impacts of any changes to the road network or land use can be quantified.

they intend to direct any changes in approach to achieving compliance as a result. Therefore, at point of publication, PCC is still required to implement a Class B CAZ as soon as possible, despite any changes in traffic volumes and travel behaviour that might be resulting from the coronavirus pandemic.

5.0 Clean Air Zone Consultation

- 5.1 On 16th July 2020 PCC launched a public consultation to seek views on the operation of the CAZ in Portsmouth. As noted in the consultation materials the purpose of the consultation was not to seek views on whether the public want to have a CAZ (this is not a choice; central Government are legally requiring that PCC deliver one) but on the specifics regarding how the CAZ should operate and to seeks views on the support that PCC can provide to help businesses and individuals to prepare in advance of the CAZ coming into operation.

Scope of the consultation

- 5.2 PCC has been issued with a Ministerial Direction to implement a Class B CAZ to bring forward compliance with legal limits for nitrogen dioxide to 2022. Therefore, any changes to the CAZ proposed through the consultation cannot be taken forward if they are demonstrated to affect the year of compliance. The impact of any changes to the CAZ design and their impact on compliance will be assessed through transport and air quality modelling.

Class of CAZ consulted on

- 5.3 PCC are now legally required to implement a Class B CAZ in the city and therefore the consultation primarily sought views on this basis. However, due to the uncertainty associated with the coronavirus pandemic JAQU advised PCC that it would be prudent to also seek views from driver of vehicles that would be charged under a Class C CAZ, as pending the review of the coronavirus sensitivity tests, a Class C CAZ could not be ruled out entirely.

Engagement with the consultation

- 5.4 The consultation was open for response for a little over six weeks, having been extended beyond the initial six week period to allow more time for responses over the August Bank Holiday weekend. The primary method for taking part in the consultation was via an online questionnaire, with responses also welcomed over the phone and in writing.
- 5.5 The consultation was widely promoted on a number of social media channels, in Flagship, PCC emails and through physical leaflets that were distributed to over 90,000 addresses in the city. Due to the coronavirus pandemic it was not possible to hold face to face consultation events as was originally planned, however mitigation was sought through officers making use of virtual events and networks to promote and cascade information about the consultation.

5.6 The consultation was set up with two separate questionnaires; one for residents and visitors to the city and the other for businesses enabling them to provide details of their entire fleets rather than just individual vehicles as in the main questionnaire. A total of 2,172 individual responses were received, along with 140 responses from businesses.

6.0 CAZ Boundary Changes

6.1 The CAZ boundary has been drawn to provide a focus on the two areas of NO₂ exceedance - A3 Alfred Road and A3 commercial road. To minimise the effects of traffic re-routing to avoid the CAZ, the main 'trip-attractors' for vehicle liable for a Class B CAZ were included within the zone (see appendix 3 of CAZ boundary map). However, it is noted that this boundary may lead to some unintended impacts and therefore views were sought on the location of the boundary to understand these.

6.2 The consultation asked if the area covered was 'too big', 'too small', or 'about right'. When considering all responses from all vehicle types there was a fairly even split between the three possible responses, with slight majority suggesting that the zone was too small. However, when considering responses from businesses only 48% said that the zone was 'too big', and when looking at responses from taxi/PHV drivers only this raised to 60% of respondents.

6.3 The results indicate that respondents who will be subject to a charge under a Class B CAZ (buses, coaches, taxi, private hire vehicles and heavy goods vehicles) were more likely to say that the zone was 'too big', compared to those who will not be liable for the charge. The responses to this question are reflective of one of the key challenges of addressing air pollution in the city- it can be difficult for individuals to accept that their own actions are part of the problem, and therefore changing their own behaviour is part of the solution.

CAZ boundary 'too big'

6.4 A number of respondents who thought the zone was 'too big' made suggestions for locations in which the zone could be reduced in size. Changes proposed included removing the following areas from the CAZ: Kingston Crescent, Fratton Road, Fratton Roundabout (Goldsmith Avenue to Fawcett Road), Isle of Wight ferry terminal, HM Naval Base, and Portsmouth International Port.

Kingston Crescent

6.5 Around 1.5% of respondents suggested that Kingston Crescent should be excluded from the CAZ. The main concern raised about this area was the impact that including this area within the CAZ boundary would have on businesses. Location on Kingston Crescent are a number of office buildings, as well as a supermarket, hotel and restaurant. Under a Class B CAZ only non-compliant buses, coaches, taxis, private hire vehicle and heavy goods vehicles would be charged, meaning that individuals driving to the offices, restaurant, hotel and

supermarket would not be liable for a change, however heavy goods vehicles and taxis/ PHVs serving these buildings would.

- 6.6 Although under a Class B CAZ there are a small number of 'trip-attractors' for non-compliant vehicles along Kingston Crescent it is acknowledged that the road is used as a key route to connect the central parts of the city to the M275. If Kingston Crescent were removed from the CAZ this would allow traffic to travel southbound along London Road, and then along Kingston Crescent towards the M275 without entering the CAZ. Amending the CAZ boundary this way could discourage rat running along the length of London Road / Fratton Road to avoid the CAZ; an outcome which is likely to have a positive impact on Air Quality Management Area 6 (AQMA).
- 6.7 PCC's technical consultants have undertaken transport and air quality modelling to consider the impact that removing Kingston Crescent from the CAZ is likely to have on future NO₂ concentrations and therefore on compliance. The modelling results demonstrate that in removing Kingston Crescent from the CAZ there is likely to be no change in NO₂ concentrations in the two exceedance locations (A3 Commercial Road and A3 Alfred Road), however there is likely to be a minor increase in concentrations on A2047 London Road. This does not result in this location becoming 'non-compliant' but any projected increase in this location should be considered with regards to this locations status as an AQMA.
- 6.8 If Kingston Crescent were to be excluded from the CAZ boundary it could be possible to address any possible increases in projected NO₂ concentrations through a review of the signal timings for the Kingston Crescent- Fratton Road junction to reduce vehicle queuing time. This review and analysis of signal timings should be undertaken to consider both Kingston Crescent and Fratton Road in combination given their proximity to each other and the impact that changes on one road is likely to have on the other.

Fratton Road

- 6.9 Around another 1.5% of respondents suggested that Fratton Road should be excluded from the CAZ boundary, and many of these respondents suggested that both Fratton Road and Kingston Crescent should be excluded. The exclusion of this area was raised in particular by drivers of taxi and PHVs as they were concerned about being issued with a CAZ charge in order to reach residential areas in Fratton and the surrounding areas.
- 6.10 Initial modelling results, to consider impacts of traffic rerouting as a result of this boundary change, indicate that altering the boundary in such a way is not likely to have any negative impact on NO₂ concentrations in the exceedance locations or elsewhere. However, it is important to note that Fratton Road falls within AQMA 6 and therefore if this road is to fall outside of the CAZ boundary other measures to address emissions from road traffic in this location still need to be considered. In particular the planned second phase of the bus retrofit project and the issuing of grants and loans for replacement and upgrade of non-compliant taxis and private hire vehicles are likely to be beneficial to reducing emissions in this location.

- 6.11 It is recommended that Kingston Crescent and Fratton Road are excluded from the CAZ boundary to address concerns about access into/out of the city via the M275. Instead work should be undertaken to review the signal timings at the Kingston Crescent- Fratton Road junction with the aim of reducing queuing traffic here and optimising flows.

Fratton Roundabout and Holbrook Road Roundabout (Goldsmith Avenue to Fawcett Road and Victoria Road North)

- 6.12 Around 2% of respondents requested that the boundary of the CAZ was reduced so that vehicles could drive around Fratton Roundabout from Goldsmith Avenue to Fawcett Road without being charged. The majority of respondents who made this suggestion were car drivers, therefore it is possible that they were not aware that private cars are not liable for a charge under a Class B CAZ and so the inclusion of the roundabout within the CAZ would not impact them.
- 6.13 However, it is noted that the roundabout connects large residential areas to key routes in the city and therefore is heavily used by taxi and private hire vehicles. Altering the boundary of the CAZ to allow the movement from Goldsmith Avenue to Fawcett Road to occur without a charge for non-compliant vehicles is likely to be beneficial to the taxi and private hire vehicle trade in particular. Initial modelling results, to consider impacts of traffic rerouting as a result of this boundary change, indicate that altering the boundary in such a way is not likely to have any negative impact on NO₂ concentrations in the exceedance locations or elsewhere.
- 6.14 Similarly altering the CAZ boundary so that it sits north of Holbrook Road Roundabout would facilitate local movements from Goldsmith Avenue. Changing the boundary here would work in tandem with the boundary change at Fratton Roundabout to allow drivers who decide against entering the CAZ to turnaround at the two roundabouts.
- 6.14 It is therefore recommended that the CAZ boundary is reduced to remove Fratton Roundabout and Holbrook Road Roundabout given that charging non-compliant vehicles movements at these roundabouts is not integral to the operation CAZ, and excluding this area is not demonstrated to impact projected NO₂ concentrations. The removal of Fratton Roundabout from the CAZ works in tandem with the previous recommendation to remove Fratton Road and Kingston Crescent to provide a coherent boundary.

Isle of Wight ferry terminal

- 6.15 4% of respondents noted that the area covered by the CAZ is 'too big' and should be made smaller to allow access to the Isle of Wight ferry terminal. Of particular concern amongst these respondents was the perceived negative impact of the CAZ proposal on the Isle of Wight's economy, with a boundary change to allow access to the ferry terminal without a charge seen as one way to mitigate this.

- 6.16 The purpose of the CAZ is to reduce concentrations of NO₂ in the city, in particular in the two exceedance locations on A3 Commercial Road and A3 Alfred Road. Any changes to the CAZ boundary to facilitate access to the Isle of Wight ferry terminal without charge would therefore need to ensure that the exceedance locations on the A3 are still within the boundary and are still projected to be compliant in 2022.
- 6.17 Transport and air quality modelling has been undertaken to consider ways in which the CAZ boundary could be adjusted to facilitate access to the Isle of Wight ferry terminal without traveling through the CAZ. By bringing the CAZ boundary north of St George's Road and Gunwharf Road non-compliant vehicles would be able to access the Isle of Wight ferry terminal without travelling through the CAZ if they enter the city along Eastern Road and then make their way west across the city. The modelling demonstrates a very minor re-routing effect from such a boundary change and if non-compliant Isle of Wight traffic were to reroute via Eastern Road this would not result in an exceedance in NO₂ concentrations at either of the two exceedance sites, or elsewhere in the city.
- 6.18 However, the neutral impact on NO₂ concentrations of this proposal should not be taken in isolation and should be considered alongside the wider impact on the Council's strategic transport aims. By routing non-compliant Isle of Wight-bound HGV and coach traffic along Eastern Road it is likely that many would then continue along A2030 Goldsmith Avenue as part of their route. This road forms part of the east-west strategic active travel corridor and therefore encouraging more large vehicle along here to avoid the CAZ poses a risk to road safety.
- 6.19 Another area of concern for this route is the Velder Avenue junction. This is already a heavily congested junction with ongoing high levels of NO₂ (though not projected to be a future exceedance locations for the purpose of the Local Air Quality Plan) with residential dwellings abutting the carriageway. Therefore the impact on public health of any increase in HGV and coach traffic in this location should be taken into account.
- 6.20 It is therefore recommended that the CAZ boundary is not amended to enable access to the Isle of Wight ferry terminal due to the potential negative impact on residential amenity, road safety and public health related to rerouting traffic. Instead further work should be carried out with businesses on the Isle of Wight to support them in preparing their fleets for the introduction of the CAZ and accessing financial support to upgrade their vehicles to compliant types.

HM Naval Base and Portsmouth International Port

- 6.21 9% of respondents who said that the area covered was too large suggested that it should be reduced to enable access to HM Naval Base and Portsmouth International Port (PIP). Under the current boundary vehicles travelling to PIP from the north of the city (M275) to do so without entering the CAZ. Analysis of automatic number plate recognition camera data suggests that around 97% of vehicle traffic to PIP is coming from the M275, meaning that only around 3% of

total traffic to the PIP would travel through the CAZ, and then only a small percentage of this would be non-compliant and liable for a charge.

- 6.22 With regards to access to HM Naval Base, the two vehicular entrances -Trafalgar Gate and Unicorn Gate - would both be accessed by travelling through the CAZ. It should however be noted that military vehicles are exempt from CAZ as detailed in (insert legislation) but any non-compliant third-party or military personnel vehicles travelling through the CAZ would be liable for a charge. ANPR analysis demonstrates that the majority of traffic travelling to HM Naval Base is coming from the M275. This means that for those entering via Trafalgar Gate they are not travelling through the exceedance locations- it is only those that enter via Unicorn Gate that do.
- 6.23 Give the location of Trafalgar Gate in location to the exceedance locations and the direction of traffic movements, transport and air quality modelling has been undertaken to consider the likely impact of reducing the CAZ boundary to facilitate access to Trafalgar Gate. The modelling results demonstrate that this boundary change would result in no negative impact on NO₂ concentrations in either or the two exceedance locations or elsewhere in the city.
- 6.24 It is therefore recommended that the CAZ boundary is reduced to fall south of Princess Royal Way to enable non-compliant vehicles to access HM Naval Base via Trafalgar Gate without travelling through the CAZ. As well as benefitting those operating on behalf of the Royal Navy, this will also lead to benefits for heavy goods vehicles accessing the businesses along Flathouse Road (including Morrison's and Portico) whose non-compliant vehicles would otherwise be liable for CAZ charges.

CAZ boundary 'too small'

- 6.25 A total of 39% of respondents suggested that the CAZ boundary was 'too small'. Of these the majority, 61% said that the CAZ should cover a larger area of Portsea Island or the whole city. 31% of respondents also raised concerns that the area covered by the CAZ was not sufficient and would lead to traffic being displaced to other areas of the city, such as Eastern Road.

Larger CAZ and issue of rerouting

- 6.26 As part of the development of the Local Air Quality Plan Outline Business Case the option to extend the Class B CAZ to cover the whole of Portsea Island was considered. This option was assessed using transport and air quality modelling which demonstrated that although this option would meet the objective of achieving compliance with legal limits of NO₂ in 2022, the small area CAZ (as consulted on) would be likely to deliver slightly better ant reductions in NO₂ in the two exceedance locations.
- 6.27 The modelling of the small area CAZ also takes into account the potential impact of traffic rerouting to avoid the CAZ. The modelling demonstrates that where rerouting occurs this is not likely to be significant enough to cause exceedances

in other locations across the city. The limited amount of rerouting projected for the small area CAZ is likely due to the way in which the CAZ boundary has been designed. A Class B CAZ would charge non-compliant buses, coaches, taxis, private hire vehicles and heavy goods vehicles for entering the zone. The trip attractors for many of these vehicles are mostly located within the CAZ, therefore there is no merit in these vehicles rerouting to avoid the CAZ because they have to enter it to complete their journeys. This aspect of the CAZ design means that the potential for re-routing is minimised.

- 6.28 It is therefore recommended that the CAZ is not increased to cover the whole of Portsea Island as this would be contrary to the technical evidence which indicates that the small area CAZ is likely to be more effective than a Portsea Island-wide CAZ.

Class of CAZ

- 6.29 A number of respondents also suggested that the Class B CAZ proposals do not go far enough in addressing the issue of air pollution in the city. The Outline Business Case that PCC submitted to JAQU in October 2019 concluded that a small area Class B CAZ would be most effective in achieving compliance in the shortest possible time. It is however acknowledged that a Class C or Class D charging CAZ is likely to see even greater improvements in air quality and greater progress towards achieving the Council's work to reduce carbon emissions. However, JAQU have confirmed that where a number of charging CAZs are shown to achieve compliance in the same year, funding will only be granted for the lowest class of CAZ that is shown to achieve compliance. Therefore, as Classes B, C and D are all shown to achieve compliance in 2022, a Class B charging CAZ has been approved by central Government as the most appropriate route to reducing NO₂ concentrations in the city.

7.0 Other areas address in the consultation

- 7.1 As well as seeking views on the boundary of the Class B CAZ the public consultation sought views on a number of other areas such as the potential to offer exemptions and sunset periods to certain vehicles as well as how PCC can support businesses and individuals to upgrade or replace their vehicles to compliant types ahead of the launch of the CAZ. Responses received about such issues are detailed in Appendix 1 to this report, and this data will be used to inform further discussions with drivers of non-compliant vehicles. A report will be presented to this Cabinet later in 2020 to provide an update on this work and to seek a decision on any exemptions, sunset periods and financial support that could be offered.

8.0 Next Steps

- 8.1 The recommendations approved by this Cabinet will be shared with Siemens who are working with PCC to design the charging CAZ. This will enable Siemens to commence site surveys work before developing designs for each CAZ camera site. The exact locations of cameras and therefore the exact boundary of the CAZ

will be dependent on the constraints of each site and therefore minor changes to the boundary might be needed to deliver a workable solution for the CAZ.

- 8.2 Approval for any such minor changes are a key dependency in the design of the CAZ and in the development of the Local Air Quality Plan Full Business Case (FBC) and therefore requests will require swift resolution. It is therefore recommended that delegated authority is granted to the Cabinet Members for Traffic & Transport and Environment & Climate Change to approve such changes if required.

9.0 Other actions to address air pollution

- 9.1 As noted in the consultation materials the Class B CAZ is only one small part of the work that is being undertaken to address air pollution in the city. As part of the Local Air Quality Plan Outline Business Case that was approved by Government Ministers PCC will be delivering a number of supporting measures alongside the CAZ including £1.4million of financial support for replacement or upgrade of non-compliant buses, coaches, taxis, PHVs and HGVs.

- 9.2 Alongside the work associated with the Local Air Quality Plan the Council is continuing to work to deliver improvements in the city, including:
- Continuing the successful 'cough cough, engine off' anti-idling campaign
 - An expansion of the popular resident electric vehicle charging point scheme
 - Delivering improvements to walking and cycling infrastructure in the city through the Local Cycling and Walking Infrastructure Programme (LCWIP) and Emergency Active Travel Fund (EATF) schemes
 - Working with schools to encourage safe and active travel through initiatives such as 'Stomp for Stamps'
 - Improving access to public transport through improvements to bus stops waiting facilities and new services
 - Delivery of the approved Green Infrastructure Plan to increase tree planting in the city
 - Development and delivery of Local Transport Plan 4 which will have a people centred travel network that prioritises walking, cycling and public transport to help deliver a safer, healthier and more prosperous city

- 9.3 Despite all of this ongoing work it is acknowledged that the actions of PCC and our partners are not enough in isolation to address the environmental challenges faced by the city. It is therefore essential that everyone plays their part in making Portsmouth a healthier place for us all by thinking about the journeys we make and how we can reduce our own reliance on private car use.

10.0 Reasons for recommendations

It is recommended that Cabinet:

- 10.1 **Approve removal of Kingston Crescent and Fratton Road from the within CAZ boundary** to address concerns about access into/out of the city via the

M275. Instead work should be undertaken to review the signal timings at the Kingston Crescent- Fratton Road junction with the aim of reducing queuing traffic here and optimising flows.

- 10.2 **Approve reduction of the CAZ boundary to remove Fratton Roundabout and Holbrook Road Roundabout** given that charging non-compliant vehicles movements at these roundabouts is not integral to the operation CAZ and excluding these areas is not demonstrated to impact projected NO₂ concentrations.
- 10.3 **Do not approve the reduction of the CAZ boundary to enable access to the Isle of Wight ferry terminal** due to the potential negative impact on residential amenity, road safety and public health related to rerouting traffic. Instead further work should be carried out with businesses on the Isle of Wight to support them in preparing their fleets for the introduction of the CAZ and accessing financial support to upgrade their vehicles to compliant types.
- 10.4 **Approve the reduction of the CAZ boundary to fall south of Princess Royal Way to enable non-compliant vehicles to access HM Naval Base via Trafalgar Gate without travelling through the CAZ.** As well as benefitting those operating on behalf of the Royal Navy, this will also lead to benefits for heavy goods vehicles accessing the businesses along Flathouse Road (including Morrison's and Portico) whose non-compliant vehicles would otherwise be liable for CAZ charges.
- 10.5 **Do not approve increasing the size of the CAZ to cover the whole of Portsea Island** as this would be contrary to the technical evidence which indicates that the small area CAZ is likely to be more effective than a Portsea Island-wide CAZ.
- 10.6 **Delegate authority to the Cabinet Members for Traffic & Transport and Environment & Climate Change to approve minor changes to the CAZ boundary** that may arise as a result of the detailed site surveys which are yet to be undertaken. This will avoid any delay to the delivery of the CAZ design and fulfilment of PCC's legal obligation to deliver a FBC by 21st December 2020.

11. **Integrated impact assessment**

- 11.1 An integrated impact assessment has been completed which has shown that the proposal will lead to improvements in air quality, health and carbon reduction. Any indirect negative impacts resulting from the proposal will be addressed through a full distributional analysis that will be presented as part of the full business case.

12. **Legal implications**

- 12.1 As mentioned in the main body of this report, the UK is legally required to ensure emissions of certain pollutants are below the prescribed limit values by relevant deadlines as set out in the Directive 2008/50/EC (which was

transposed into national legislation by way of the Air Quality (Standards) Regulations 2010). The UK has failed to adhere to the requirements set out in the Directive. As a result, ClientEarth charity has challenged the UK Government on a number of occasions which resulted in the Courts ordering the UK Government to come up with plans which would result in compliance as soon as possible. The Court, in the latest case in 2018, stated that the Secretary of State:

“must ensure that, in each of the 45 areas, steps are taken to achieve compliance as soon as possible, by the quickest route possible and by a means that makes that outcome likely”.

- 12.2 As mentioned in the main body of this report, Portsmouth City Council has been issued with four Ministerial Directions under section 85(5) of the Environment Act 1995 and the Council is under a statutory duty by way of section 85(7) of the said Act to comply with such Ministerial Directions. A failure to comply with the Ministerial Direction may result in Judicial Review proceedings being brought against the Council.
- 12.2 The UK Government continues to be in breach of the Directive 2008/50/EC. It is to be noted that under the Withdrawal Agreement and post-Brexit, the European Court of Justice will retain for a limited period jurisdiction over breaches of EU law (including directives) which occurred prior to the end of the transition period.

Consultation

- 12.3 Under section 170 of the Transport Act 2000, the Council is legally required to undertake a consultation process at a formative stage and before the Clean Air Zone is implemented. Under the aforementioned Act, the Council is required to consult such local persons (meaning any persons who are likely to be affected by, or interested in, the making of the Clean Air Zone), as the Council considers appropriate. Section 170 of the Transport 2000 allows the Council to conduct the consultation in a manner as it considers appropriate, however, any such consultation has to be undertaken in accordance with the relevant legislation, Government guidance and case law.
- 12.4 In addition to the above, the fourth ministerial direction (Environment Act 1995 (Portsmouth City Council) Air Quality Direction 2020) requires the Council to carry out public consultation before the Full Business Case is submitted.
- 12.5 The Council has carried out a public consultation in accordance with the Transport Act 2000 and the relevant guidance and has consulted such local persons and business, and such representatives of local persons and businesses, as it considered appropriate to ensure that the proposals are both meaningful and fair.

Charging Order

- 12.6 The power of local authorities to introduce a charging Clean Air Zone is set out in the Transport Act 2000. [Part III](#) of the Act empowers local authorities (as 'charging authorities') to make a local charging scheme. Matters to be dealt with in the charging scheme include:
- designating the roads and classes of vehicles subject to a charge;
 - the charges imposed;
 - the manner in which charges are to be made, collected, recorded and paid;
 - the period for which a scheme is in force;
 - exemptions and reduced rates from charges; and
 - enforcement regimes and penalties for non-payment of charges.

- 12.7 Any revenue raised from the CAZ (following operation, maintenance and enforcement costs) will be used to fund measures for local transport schemes (per [schedule 12](#) of the Transport Act 2000).

13. Director of Finance's comments

- 13.1 The costs associated with operating the charging CAZ are likely to be significant. Costs relate largely to the operation and maintenance of the ANPR system, transactional costs associated with payments and the costs of enforcement and debt recovery. After all of these costs have been met, any net proceeds from the charging CAZ must be reinvested in measures to improve air quality in the city, and would be restricted to local transport schemes under [Schedule 12](#) of the Transport Act 2000.
- 13.2 The cost of running the CAZ are to be met from a mixture of grant funding from the JAQU and Clean Air Zone charges. The outline business case set out a certain level of charges to be applied and the cost of running the CAZ. JAQU have indemnified the Council based on a specific design of CAZ, so that the cost to operate the scheme does not fall on Portsmouth Council Tax payers. If that zone changes materially then JAQU could remove that indemnity and thus the shortfall would have to be met from City Council resources. Any changes to the zone will need to be agreed with JAQU to ensure this indemnity remains in place.
- 13.3 Additionally if the zone is reduced in such a way that means the Council is unable to meet an acceptable level of emissions by 2022, then the zone may have to remain in longer, and could be increased to include a wider class of vehicles which could impact to the economy of Portsmouth and surrounding areas.

Signed by:

Tristan Samuels- Director of Regeneration

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Appendices:

- Appendix 1- Clean Air Zone Consultation Report
- Appendix 2- Sensitivity tests undertaken with regard to coronavirus impacts
- Appendix 3- CAZ boundary map (as consulted on)
- Appendix 4- CAZ boundary map (proposed changes for consideration)

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:

Title of document	Location
2019 Air Quality Annual Status Report	https://www.portsmouth.gov.uk/ext/documents-external/asr-defra-final.pdf
Clean Air Zone Framework	https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612592/clean-air-zone-framework.pdf
Environment Act 1995	http://www.legislation.gov.uk/ukpga/1995/25/content_s
Portsmouth Local Air Quality Plan Outline Business Case	https://www.portsmouth.gov.uk/ext/documents-external/env-aq-air-quality-plan-outline-business-case.pdf

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

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Signed by:

