

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Cabinet
Date:	5 November 2018
Title:	Air Quality
Report From:	Director of Economy, Transport and Environment and Director of Public Health

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1 Recommendation(s)

That Cabinet:

- 1.1 Note the statutory responsibilities and accountabilities shared between the County and Borough Councils for dealing with air quality and approve in principle the approach set out in sections 4 and 5 of the report.
- 1.2 Authorise the Directors of Economy, Transport and Environment and Public Health to develop options for undertaking additional work in line with the action plan set out in paragraphs 6.1 to 6.4 of the report and within existing available resources.
- 1.3 Agree to the County Council undertaking a “coordination role” on air quality issues within Hampshire as outlined in paragraph 6.5 of the report, where this is related to our core functions as both highway and public health authority.

2 Executive Summary

- 2.1 The purpose of this paper is to inform Cabinet on emerging issues related to air quality and to agree an overall approach by the County Council to address air quality issues. Poor air quality is a serious public health issue. It is the largest environmental risk to the public’s health and a significant contributor to preventable ill health and early death.
- 2.2 The Secretary of State for Environment, Food and Rural Affairs (SoS) has directed certain local environment health authorities to investigate implementing measures to address areas with illegal levels of nitrogen dioxide emissions and consider implementing Clean Air Zones (CAZ) which may require non-compliant vehicles to be charged.
- 2.3 The SoS has issued Ministerial Directions to district councils, relating to four locations in Hampshire, plus one each in Southampton and Portsmouth, determining them as non compliant and needing action in the “shortest possible time”. The SoS has subsequently issued a Ministerial Direction to

the County Council in respect of the direction previously issued to Basingstoke and Deane Borough Council.

- 2.4 The responsibilities, statutory or otherwise are fragmented across borough, unitary and county authorities. As the upper tier authority with the overarching geography it would seem appropriate for the County Council to take a “coordination role” in facilitating activity across the multiple tiers of local government where this is related to our functions as highway and public health authority.
- 2.5 The serious nature of the public health impacts and the directions from the SoS means the County Council needs to consider if it should be enhancing its activity directed at addressing poor air quality within existing available resources.

3 Contextual information

- 3.1 Roles and responsibilities on air quality are not straightforward in two-tiered local government, with both county and district councils having statutory responsibilities. Under the current legal framework, local government across county and district councils are effectively required to work together to identify suitable measures to address air quality. Further information on Air Quality issues is detailed in Appendix C attached to this report.
- 3.2 In terms of the split in accountability, district councils as environmental health and planning authorities are responsible for considering the impact of development and growth on air quality via environmental assessments of local plans, monitoring and assessing air quality and developing and implementing Air Quality Management Areas (AQMA's) with Annual Status Reports (ASRs). In support of this, County Councils are obliged to submit measures and implement them where these are related to its functions as highway and public health authority.
- 3.3 Directions from the SoS have been made to the district councils under the Environmental Health Act 1995, mandating compliance with prescribed EU emissions law “within the shortest time possible”. Directions have been served to Basingstoke Borough Council, Fareham Borough Council, New Forest District Council and Rushmoor Borough Council and apply to relatively small sections of roads in each case. The current prescribed process is one of developing action plans to reach compliance and testing them against implementing a CAZ involving charging. A charging zone would apply sequentially to classes of non-compliant vehicles depending on the severity of the modelled exceedance, starting with buses, taxi's and private hire vehicles and in the worst case scenarios could apply to all vehicles including private cars.
- 3.4 Nationally, road transport is thought to account for 60% of all NO₂ emissions and in all the four cases impacting Hampshire, the main cause of non-compliance with legal air quality limits is transport related. Whilst the directive is not placed on the County Council, there is a requirement for action across our functions, meaning we must take positive action in cooperation with the local authorities to develop measures that meet the directive. The implication of not doing so is that local authorities, who maybe

in receipt of EU fines passed on by the Government for non-compliance, may seek redress from the County Council.

- 3.5 The timelines for action imposed by the SoS are tight. Submission of full business cases testing all possible solutions and identifying a preferred option are required by December 2018. In order to meet the directive timescales the local authorities may be required to engage in public consultations related to Clean Air Zones and other air quality action plans. The SoS directive requires the County Council to adhere to a “shortest time possible” legal imperative. Fareham BC has been undertaking public engagement on introducing a charging scheme or other alternative air quality abatement measures in Fareham.
- 3.6 In April 2012 *The Health and Social Care Act* gave Hampshire County Council a new duty to improve and protect the health of people in its area and tackle health inequalities. This means we need to develop strategies and plans designed to address premature death caused by poor air quality.
- 3.7 There is an emerging body of evidence that supports the conclusion that air quality, specifically roadside emissions of nitrogen dioxide (NO₂) primarily caused by diesel vehicles have a serious and damaging impact on human health and the environment. Such issues disproportionately impact on those living in areas of deprivation, older and younger people, unborn foetuses and those with pre-existing health conditions, thus contributing to inequalities.
- 3.8 Action to improve air quality is not limited to implementation of local measures. Local leaders campaigning groups and other interested parties from across the country have repeatedly requested that Government lead by taking national action. Measures that have been requested include:
 - Increased access to funding to support the delivery of Clean Air Zones
 - A national fund to support investment in cleaner buses and taxis
 - Increased national funding for improvements in walking and cycling infrastructure
 - Introduction of a targeted ‘vehicle renewal scheme’ to replace older polluting vehicles
 - Developing a national retrofit programme for coaches and HGVs mirroring the Government’s earlier Clean Bus Fund
 - Introduction of a new Clean Air Act to enshrine World Health Organisation air quality guideline pollution limits into UK law
 - Grant local and regional authorities the additional powers and resources required to tackle poor air quality, addressing the currently fragmented responsibilities for air quality and its health impacts at a local level.

4 Current Activity by the County Council

- 4.1 The County Council is engaging with district councils in receipt of the SoS directive and undertaking the following activity:
 - For Fareham Borough Council, HCC is working with Atkins, our strategic partner to provide a traded service support to develop the

business case submission for FBC. At the time of writing, this is likely to include a range of possible abatement measures to address the predicted exceedance (on the A27 Gosport Road), including consultation this autumn on a potential Clean Air Zone charging for non-compliant diesel buses, taxis and, private hire vehicles

- In Rushmoor the predicted exceedance is on the A331, Blackwater Valley Road that straddles the administrative areas of Hampshire and Surrey county councils as the respective highway authorities and the borough councils of Guildford, Surrey Heath and Rushmoor, the respective local environmental health authorities. Current work is pointing towards a speed limit reduction on the affected section of the A331 as the main means to address the predicted exceedance
- For New Forest, the exceedance is an extension of the Southampton exceedance on the A35 at Redbridge and the District Council has worked with Southampton City Council to develop measures in the City that will also address the exceedance at Redbridge
- Initial work undertaken by Basingstoke and Deane Borough Council has indicated that for the identified exceedance (a short section of the A339, Ringway North), legal compliance can be achieved within the requirements of the ministerial direction with the potential introduction of a lower speed limit. This is based on initial evidence commissioned by the Borough Council. In view of the short time scale remaining to secure legal compliance, the SoS has now issued a further Ministerial Direction to the County Council to investigate and implement, subject to approval, this potential speed limit reduction.
- The County Council has been consulted by Southampton City Council (and New Forest District Council) on proposals that include introducing a Class B Clean Air Zone within the city that if approved would introduce charging for non-compliant heavy goods vehicles, coaches, buses, taxis and private hire vehicles. In response to the consultation, the County Council has raised concerns about the potential wider displacement impact of the proposed CAZ on roads in Hampshire, for example HGV's bound for the Isle of Wight potentially re-routing via Lymington and through the Lyndhurst Air Quality Management Area. The County Council has therefore raised an objection to the proposal until evidence has been submitted that shows that these issues have been fully assessed and that any necessary mitigation has been included. The full response of the County Council is provided at Appendix D.

4.2 In general Hampshire enjoys relatively good air quality compared to the rest of the country. The majority of national locations identified by government modelling under the national plan for NO₂ are cities or metropolitan areas and those air pollution hotspots identified in Hampshire have less severe exceedances than the rest.

4.3 However, there is no safe level of exposure to NO₂ and the national trend of areas with higher index of deprivation experiencing more severe levels of exposure would appear to be true for Hampshire too.

5 The County Council's Current Approach to Tackle Air Quality

5.1 In addition to the activity related to clean air zones, the County Council is also currently involved in the following key activity related to air quality:

- Delivering measures in locally designated Air Quality Management Areas (AQMA's) and more generally developing local transport strategies and major and minor transport schemes to alleviate congestion, such as park and ride schemes
- Reviewing speed management policy to consider setting speed limits to support air quality objectives in designated air quality areas
- Supporting local bus services, including quality bus partnerships with emissions targets
- Implementing the County Council's Electric Vehicle Charging Point (EVCP) Framework to allow transition to low emission vehicles by providing new infrastructure in public car parks and for public sector organisations
- Facilitating and championing the delivery of superfast broadband connectivity to reduce the need to travel for work
- Developing travel plans with local businesses and schools
- Improving the safety and reliability of the road network by maintaining roads effectively, managing road works and road safety measures and campaigns and managing traffic flow through traffic signal technology
- New developments can secure financial contributions from developers to deliver transport infrastructure, whether that be in support of walking and cycling or additional highway capacity
- Implementing the Public Health Strategy 2016-2021.

Moving forward officers will be seeking opportunities for recover costs where this is possible.

6 The Proposed County Council Plan of Action for Tackling Air Quality in Hampshire

6.1 Air quality is an emerging and important area of work in which the County Council will need to engage with other statutory authorities to ensure that the transport measures developed to address poor air quality are deliverable within the powers and budgets available to it as the local highway authority and enable it to meet the duty to improve public health.

6.2 It is considered that, whilst the County Council works to meet the demands of the current urgent work, a longer term strategy and approach to air quality is required.

6.3 In order to help meet the range of challenges presented and potential implications for different County Council service areas, it is proposed to enhance coordination within the County Council by creating a new internal cross departmental air quality group to manage and oversee this work.

- 6.4 Further to this the County Council will increase representation in regards to air quality issues at existing forums such as the Hampshire wide, informal environmental health and planning officer groups where air quality issues are already discussed. To comply with the DEFRA Local Air Quality Management Policy Guidance (2016) it may be necessary to establish a separate Air Quality Steering Group with all districts.
- 6.5 Other additional countywide actions could include:
- To investigate the business case for on-street Electric Vehicle Charging points or other measures supporting a transfer in vehicle ownership and usage to cleaner fuel vehicles
 - To develop Planning Guidance in partnership with planning authorities and action plan on air quality
 - To enhance or develop new local agreements with buses, taxi operators and licencing authorities to promote use of cleaner fuel vehicles
 - Implement those elements of the Public Health Strategy 2016-21 – “Towards a Healthier Hampshire and The Hampshire Physical Activity, Walking and Cycling Strategies” that ‘co-benefit’ health and reduce air pollution caused by road transport
 - Through town-planning arrangements, such as those forged from the Public Health & Planning Position Statement, promote improved connectivity making the use of cycling and walking routes as an alternative to the car
 - Investigate changes that can be made to the County Council’s own corporate processes (such as adopting procurement contracts that contain key performance indicators linked to air quality) and transition of our fleet to low emission vehicles)
 - To develop in cooperation with the local authorities a countywide approach to tackling air quality issues in Hampshire.

7 Equalities

- 7.1 An Equalities Impact Assessment has been undertaken. Details are included in Integral Appendix B of this report

8 Finance

- 8.1 The additional activity will require the redistribution of resources from external or new resources. To date £111k has been secured through external grant funding to cover the new activity related to developing business cases for the CAZ. This is time limited and does not currently extend beyond 2018.
- 8.2 New external funding opportunities may come forward beyond 2018 following submission of full business cases but at this stage cannot be formally agreed. In the event that this is not forthcoming, there may need to be a more permanent redistribution of resources to allow this work to proceed. This will need to be addressed in the relevant budget areas as the overall work programme develops.

9 Summary

- 9.1 This is a fast emerging and complex area of work and it is important that Cabinet are aware of the issues which cross a number of service areas. With a range of local authorities involved in addressing air quality issues, it is important for the County Council to take the initiative to ensure that transport measures designed to address air quality are within available powers and budget as local highway authority, are consistent with the corporate strategy and will deliver on the duty to improve public health.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	yes
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	yes

Other Significant Links

Links to previous Member decisions:	
None	
Direct links to specific legislation or Government Directives	
Direction by the Secretary of State for Environment, Food and Rural Affairs, to local environmental health authorities under Environment Act 1995 to reach compliance with EU emissions law "within the shortest possible time".	Date Various

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

DocumentLocation

None

IMPACT ASSESSMENTS:

Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;

Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;

Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;

Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

Equalities Impact Assessment:

An Equalities Impact Assessment has been undertaken. Disproportionate impacts have been identified for several groups with protected characteristics:

Age – Positive

Potential positive impact on wellbeing as poor air quality disproportionately impacts on older and younger people.

Poverty – Positive

Potential positive impact on wellbeing as the national trend is that poor air quality disproportionately impacts areas of high social deprivation.

Pregnancy & Maternity – Positive

Potential positive impact on wellbeing as the latest scientific evidence suggests poor air quality can impact on unborn fetuses.

Disability – Positive

Potential positive impact on wellbeing as poor air quality disproportionately impacts on those residents with some pre-existing health conditions.

Other than this, the impact on groups with protected characteristics is expected to be neutral, but the impact for all residents should be positive as a result of cumulative improvements to air quality.

Impact on Crime and Disorder:

This proposal does not have any direct impact upon Crime and Disorder.

Climate Change:

How does what is being proposed impact on our carbon footprint / energy consumption?

Implementation of Hampshire's Physical Activity, Walking and Cycling Strategies and promoting active travel will have a positive impact.

How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts?

Implementation of Hampshire's Physical Activity, Walking and Cycling Strategies will help mitigate against the effects of climate change.

Further Contextual Information on Air Quality Issues

1 The National Picture

- 1.1 There is increasing evidence that air quality has an important effect on the public's health, the economy, and the environment. According to Public Health England (PHE), poor air quality is the largest environmental risk to public health in the UKⁱ. Evidenceⁱⁱ from the World Health Organization (WHO) shows that older people, children, people with pre-existing lung and heart conditions, and people on lower incomes may be most at risk.
- 1.2 There is emerging evidence from the Royal College of Physicians (amongst others) of possible links with a range of other adverse health effectsⁱⁱⁱ. The Chief Medical Officer's (CMO) most recent annual report '*Health Impacts of All Pollution - what do we know?*^{iv}' published in February 2018 discusses the threat to health posed by air pollution to people living in England and makes some specific recommendations for local government action. These health impacts impose a significant cost on the national and local economy.
- 1.3 Under the Department for Environment Food & Rural Affairs (DEFRA) Local Air Quality Management (LAQM¹) system, District Councils are required to assess air quality in their area and designate Air Quality Management Areas (AQMAs), as set out in the *Environment Act 1995 - Part IV Air Quality*^v. These are areas where the national air quality objectives are unlikely to be met and Air Quality Action Plans (AQAP) have been developed to bring concentrations down to within legal limits. Each year District Councils are also required to submit an Annual Status Report (ASR) to DEFRA on progress in achieving reductions in concentrations of emissions relating to relevant pollutants below air quality objective levels.
- 1.4 In addition to this, the EU Directive 2008/50/EC (the Air Quality Directive), sets legally binding standards for ambient air quality. It sets limits for concentrations of various pollutants and dates by which targets must be achieved. The Government are bound by the Air Quality Directive to achieve compliance to certain air quality standards by 2010 (later extended to 2015).
- 1.5 In February 2017 the Government was sent a final warning by the EU to comply or face a case at the European Court of Justice.
- 1.6 In July 2017 the Government published its finalised UK plan for tackling roadside nitrogen dioxide concentrations. The following day Defra and the Department for Transport (DfT) delegated the legal duty to comply to each Environmental Health Authority named in the national plan, via Ministerial Direction, mandating time-limited actions. Government has set up an

¹ LAQM – a system of assessing air quality and designating AQMAs in a Local Authority area

Implementation Fund and a Clean Air Fund to support Environmental Health services in achieving the core objective of delivering cleaner air in the shortest time possible.

- 1.7 A draft national *Clean Air Strategy* was published in May 2018 by Government for consultation. This document sets out how the government intends to meet international commitments to reduce emissions of five damaging air pollutants by 2020 and 2030 (nitrogen oxides, particulate matter, sulphur dioxide, non-methane volatile organic compounds and ammonia). It has a broader scope than the National Air Quality Plan for tackling roadside emissions of NO₂ and covers emissions from domestic, industrial, farming and building activities. Government proposes to publish 'Road to Zero' later this year, a companion strategy which will outline a pathway to achieving zero emissions transport for all road vehicles. It is expected that this will be followed in 2019 by a draft detailed action plan on how this will be achieved.
- 1.8 The Government's Clean Growth Strategy outlines how action to deliver clean growth (growing national income whilst cutting greenhouse gas emissions) has wider benefits, listing as an example how the co-benefits of cutting transport emissions is cleaner air, which has an important effect on public health, the economy and the environment. This document sets out Government's Transport ambitions, including almost every car and van needing to be zero emission by 2050, with a 30% reduction in transport emissions by 2032 a possible target, with a looser, further target of walking and cycling becoming the natural choices for shorter journeys by 2040.
- 1.9 Government have also outlined plans to end the sale of all new wholly internal combustion engine (ICE) powered cars and vans by 2040, with most manufacturers already announcing plans to phase out production of solely ICEs by 2020

2 Local Air Quality Arrangements

- 2.1 The Government has placed certain responsibilities on both County and District Councils for achieving improvements in air quality in their local areas through existing legislation and policy frameworks. It is expected that all departments across County and District Councils should work together to identify suitable measures to address air quality. This includes measures in relation to local Transport, Highways, Land-use Planning, Environmental Health and Public Health.
- 2.2 The County Council is a consultee to the Air Quality Action Plans and Annual Status Reports prepared by the District Councils. The Secretary of State expects the County Council to proactively engage at all stages of review, assessment and action planning in relation to LAQM in Hampshire. While the function of monitoring and management of air quality is a District Council function, it is acknowledged that factors and agents that can

influence vehicle emissions' impact operate outside the jurisdiction of Districts.

- 2.3 Essentially, there are four geographical entities in the context of air quality linked to vehicle emissions, in Hampshire:
- District Councils that have no identified significant and sustained exceedances in vehicle emissions that warrant special action. These
 - District Councils may still be monitoring air quality.
 - District Councils that have declared a DEFRA registered AQMA
 - District Councils in receipt of a Ministerial Directions that they bring NO₂ levels into legal compliance 'in the shortest possible time'. These Local Authorities are currently testing potential measures, including CAZs.
- 2.4 Under *Section 86(2) of the Environment Act 1995*, the County Council may make recommendations to District Councils in relation to any review and assessment of air quality or development or amendment of AQAPs. The County Council is obliged under *Section 86(3)* to submit measures related to its functions (i.e. local Transport, Highways and Public Health) to help meet air quality objectives in the area. These measures should be included in the AQAPs being developed.
- 2.5 Under *Section 3.1 of the Air Quality (England) Regulations 2000^{vi}*, submission of these proposals should take place within at the latest nine months of first being consulted on the AQAP by the District Council. Earlier responses from the County Council are encouraged in order not to delay the completion of the AQAP process. There is an expectation for the County Council to bring forward measures in relation to addressing the transport impacts in its area for inclusion in any AQAP.
- 2.6 DEFRA's *Local Air Quality Management Policy Guidance^{vii}* is statutory and recommends that the Director of Public Health (DPH) and Transport colleagues should be involved in AQMA strategic planning through the establishment of a District Council led 'Air Quality Steering Group' (AQSG). The Steering Group has an important role in securing support across District and County Councils, along with members such as the Environment Agency, Highways England, local businesses and interest groups. There is an expectation that the Chair is of sufficient seniority and that there is active participation of the County Council through the highest level of support to ensure effective working of the AQSG.
- 2.7 Where significant action to resolve air quality issues is required from the County Council, it will be beneficial to have a senior County Council representative as Co-Chair. Further, the guidance acknowledges the broader potential influence of including air quality in the Hampshire Joint Strategic Needs Assessment (JSNA) and bringing air quality issues to the attention of the Hampshire Health and Wellbeing Board.

3 Local Arrangements for dealing with the Government's National Plan for Tackling Roadside Nitrogen Dioxide

- 3.1 European law (directive: 2008/50/EC) embedded in England through *The Air Quality Standards Regulations 2010^{viii}*, sets legally binding limits for air pollutants such as particulate matter (PM₁₀ and PM_{2.5}) and nitrogen dioxide (NO₂).
- 3.2 Part 2 of the Localism Act 2011 contains discretionary powers under which the Government could require local authorities to pay some or all of the European fines faced by the UK. A requirement to make a payment may only be imposed if there has been a Ministerial order designating a public authority and the EU sanction is one to which the designation applies. Before making such an order the public authority would have to be consulted and warnings given. Payment of any fines is dependent on a decision by the EU to impose them, which is only expected to occur if the Court of Justice of the European Union (CJEU) issues a judgement and the UK fails to act on its findings.
- 3.3 In January 2018, UK Ministers, with other EU Ministers, attended EU discussions around what penalties might be. In April 2018 the EU indicated it was considering next steps in its 'infringement cycle', where action by the EU Court of Justice remains an option, subject to considering the UK Governments plans. In May 2018 the UK (alongside five other European countries) was referred to the EU Court of Justice by the European Commission, with the hearing on NO₂ breaches expected to take place within six months.
- 3.4 The newly agreed *EU National Emissions Ceiling (NEC) Directive^{ix}*, tackles trans-boundary sources of air pollution and if implemented is predicted to reduce the negative health impacts of air pollution, such as respiratory diseases and premature death, by almost 50% by 2030. Thus there is a need to continue to work with the EU post-Brexit to ensure that air quality policy is maintained and environmental governance operated in a coherent and progressive manner, given how many of UK environmental laws derive from EU Directives and regulations. It is not yet clear how the Government will be held to account against the targets it has set beyond Brexit.

4 The County Council's Public Health duties

- 4.1 In April 2013 *The Health and Social Care Act (2012^x)* gave Hampshire County Council a new duty to improve and protect the health of people in its area. This provides opportunity to consider the actions the County Council might take using the evidence available, to mitigate the impact of transport and non-transport sources of air pollution. Evidence will allow us to target those localities with the greatest impact from air pollution on health.

5 Air Quality & Public Health – the wider context

- 5.1 *Air Quality: A Briefing for Directors of Public Health* provides guidance on how to determine an appropriate public health response to air pollution. It looks at how the available evidence can be used to inform public and decision maker opinion, including an ‘*Air Pollution Briefing for Elected Members*’.
- 5.2 The *Public Health Outcomes Framework (PHOF)* and *National Public Health Profiles* include indicators on physical activity, road traffic incidents, premature mortality and specific air quality indicators on particulate matter. The PHOF indicator 3.01 is an air pollution indicator: *fraction of mortality attributable to particulate air pollution* (measured as fine particulate matter, PM_{2.5}). According to the latest data published in the PHOF, an estimated 4.5% of ‘deaths’ in Hampshire were attributable to long-term exposure to particulate air pollution in 2015. The *Wider Determinants of Health Public Health Profile* includes air pollution indicator 92924: *fine particulate matter* which measures the annual local authority concentrations (µg/m³) of anthropogenic PM_{2.5} and data used for this indicator is the same as that which underlies the PHOF indicator 3.01. The annual mean PM_{2.5} concentration in Hampshire was 7.9µg/m³ in 2015 and below the WHO annual mean objective of 10µg/m³. This intelligence helps inform policy direction.
- 5.3 The South East office of Public Health England (PHE) have published “*Air Quality: A briefing for Directors of Public Health in the South East of England*” which provides guidance in relation to declared AQMA’s specifically to the extent to which the ASRs and AQAPs demonstrate a strategic public health focus. “*Outdoor Air Quality. A resource for Directors of Public Health*” published in March 2018 complements this guidance and includes further iteration of the aide memoire. The aide memoire provides a means by which a DPH may become assured that public health has been considered in local action on air quality.

6 Transport

- 6.1 Hampshire’s duties as Highway Authority in relation to air quality and transport are set out in the 2013 Local Transport Plan (LTP).
- 6.2 HCC will support district councils with respect to carrying out air quality reviews, the assessment of air quality management areas and the preparation of air quality action plans; whilst addressing ‘the effects of inequalities that arise from social or economic disadvantage, as well as from gender, race, disability, sexual orientation and belief’.
- 6.3 Generally, the LTP recognises that conserving and enhancing the quality of Hampshire’s environment is a responsibility that residents expect the County Council to meet. It is important to manage and mitigate the adverse

impacts of traffic and travel on people, natural habitats and landscapes, where practical and efforts are already made when carrying out work on the highway or designing improvements to minimise these effects.

- 6.4 Specifically, the LTP recognises that air quality is a major environmental factor that can affect human health, as well as significantly influence and alter local ecosystems. Several factors contribute to air pollution in the county, most notably emissions from transport and pollutants related to industry, largely outside the county boundary. Air quality in the majority of the county is considered to be relatively good and within government standards, although certain areas do experience problems. The strategy for air quality in the most recent Local Transport Plan seeks to address poor air quality locations, the overall health of the community and why pollution incidents occur.
- 6.5 Measures to reduce the need to travel widen travel choice and reduce dependence on the private car, alongside investment in low-carbon vehicle technologies all play an important part of helping to meet local and national targets for air quality and carbon. Cleaner, greener travel helps improve quality of life and health for residents near busy roads and for the people travelling.
- 6.6 Increasing the proportion of journeys made on foot and by bicycle has the potential to assist in achieving local goals including improved air quality, carbon reduction and healthier communities. Investment in walking and cycling infrastructure will be primarily focused on urban areas, where it has the potential to provide a healthy alternative to the car for local short journeys to work, local services and schools at relatively low cost.
- 6.7 The County Council also seeks low-cost opportunities to create a non-intimidating environment to allow people to make short journeys on foot and by bicycle. Provision of cycle training helps residents to cycle safely, and enables them to build healthy travel into their daily routines while helping to improve their independence. This has been further expanded on in the *Hampshire Walking^{xi}* and *Cycling^{xii} Strategies*
- 6.8 The positive benefits of modal shift away from the private car to public transport and active modes is well understood, Successful implementation of infrastructure & behaviour change campaigns contributing to reduced congestion, improved journey times and wider improvements to air quality and health are well evidenced.
- 6.9 Hampshire County Council has a strong record of unlocking improvements through well evidenced schemes and initiatives, where funding is made available.

7 Planning

- 7.1 Section IV of the *National Planning Policy Framework (NPPF)* on “*Promoting Sustainable Transport*” encourages sustainable transport, including reducing congestion, reducing journey lengths and prioritising pedestrian and cycle movement in new developments, facilitating travel choice, use of technology and expecting the submission of a *Transport Assessment and Travel Plan* for large scale developments. It also emphasises the role of the *Local Plan* in influencing sustainable transport.
- 7.2 Section VIII of the NPPF on “*Promoting Healthy Communities*” covers enhancing rights of way and accessibility networks. It recognises that good planning can encourage active travel.
- 7.3 The *National Planning Practice Guidance (NPPG)* supports the NPPF and states “*Local planning authorities should ensure that health and wellbeing...are considered in local and neighbourhood plans and in planning decision making.*” This would extend to considering road infrastructure and transport implications of new developments. The NPPG further delivers specific guidance on air quality, emphasising the function of the Local Plan, and suggests examples of mitigation such as “*promoting infrastructure to promote modes of transport with low impact on air quality*”.
- 7.4 *Low Emissions Strategies: using the planning system to reduce transport emissions. Good Practice Guidance* is guidance from DEFRA to Planning Authorities on mitigating vehicle emissions impact.
- 7.5 *The Hampshire Planning and Public Health Position Statement* sets out how Hampshire County Council and partners can deliver the County Council’s statutory public health responsibilities and District Councils duties to deliver relevant elements of the National Planning Policy Framework through the planning system.

HCC response to Southampton City Council



Hampshire
County Council

Our ref: O-LO-2018-0096

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11 September 2018

Dear Christopher

I am writing to share with you the County Council's response to Southampton City Council and New Forest District Council's consultation on introducing a Class B charging Clean Air Zone (CAZ) in the city, targeting buses, coaches, taxis and HGVs.

The County Council acknowledges the serious implications for public health of poor air quality and is supportive of the work of the City Council and New Forest District Council in developing measures to tackle the impact of roadside air pollution and to achieve legal compliance. However, the County Council does have significant concerns with the evidence currently available to support the proposal and therefore objects to the City Council's current charging CAZ proposal for the city at this time, albeit reluctantly.

The modelling guidance used is based on a simulation to support a new London Congestion Charge case study, a scheme that has yet to be implemented. Whilst it is acknowledged this methodology is a national specification determined by the Joint Air Quality Unit (JAQU), the effectiveness of applying socio-economic assumptions from a London model to the Solent context or geography without adaptation is questioned. Amongst our concerns is to what extent non-compliant vehicles may re-route to avoid any potential charge, for example to access the Isle of Wight potentially via the Lymington Car Ferry and Lyndhurst Air Quality Management Area, which would contravene national guidance contained within the Clean Air Zone Framework (paragraph 53 of JAQU's Clean Air Zone Framework). In the absence of evidence to allay these concerns, one possible option might be to consider a legal agreement between our authorities such that, in the event any of these concerns manifest, mitigation measures to offset these impacts outside of the city-wide CAZ will make first call on any revenue derived from the charging zone.

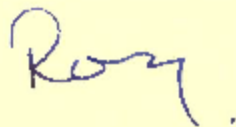
The County Council is also concerned about the potential impact of diversion of freight traffic away from rail access to the Port of Southampton towards roll-on roll-off facilities elsewhere, such as Portsmouth or even Felixstowe. We support in principle the commitment of Associated British Ports to help Southampton City Council meet their compliance target without the need for a charging solution and would like to understand more about how this approach is progressing, as well as more detail around their concerns as to the commercial impact of a CAZ on their operations.

The County Council has concerns around the capacity of the haulage industry to deliver changes to vehicle fleet at the pace that CAZ implementation would require, especially small haulage operators for whom the switch to compliance will represent a significant investment that may be beyond their ability to absorb. If unresolved these could impact on the local economy (especially considering the 'just in time' nature of stock supply to most businesses) so must be well understood. Similarly, we understand from discussions with some local public transport stakeholders that there may be commercial implications for their operations, including accessing depots or service centres.

Finally, the County Council feel the path to delivery is still somewhat unclear, with some technical solutions required to interact with national back-office enforcement activity reportedly not yet ready to be specified or procured. It is likely that implementation of a CAZ in Southampton will require some form of signage at least, (if not some enforcement equipment), outside of the city boundary and probably on the County Council's highway network. The County Council is unable to support such measures until the details are known.

I hope this has been useful to you in clarifying the reasons for the County Council's objection to the current CAZ proposals for Southampton, which we would of course be prepared to review if further evidence becomes available. In the meantime may I reassure you that the County Council remains committed to working in collaboration with the City Council in bringing forward evidence based effective proposals for Southampton and adjoining parts of New Forest to address the very serious issue of air quality identified by the Government's national plan for tackling roadside emissions of NO2.

Yours sincerely



Roy Perry
Leader
Hampshire County Council

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