

Air Quality Action Plan for Lichfield

Ashley Yeates, Cabinet Member for Regulatory Services, Housing & Wellbeing

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| Date: | 5 th July 2018 |
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| Key Decision? | YES NO (delete as appropriate) |
| Local Ward Members | Cllr Ben Rayner; Cllr Margaret Stanhope; Cllr Mike Willcox; Cllr David Leytham; Cllr Rob Strachan; Cllr Alan White; Cllr Ken Humphreys; Cllr Doug Pullen. |



REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 This report seeks approval for the draft 2018 Air Quality Action Plan for the Lichfield District prior to further consultation with the Department for Environment, Food and Rural Affairs and subsequently other stakeholders.
- 1.2 It seeks to address the concerns of Members regarding the initial draft strategy.
- 1.3 It highlights problems which have become apparent following, in particular, a very late response from Highways England on some of the Council's proposed measures and proposes changes to the Air Quality Action Plan to compensate for these.

2. Recommendations

- 2.1 That the Committee agrees the draft 2018 Air Quality Action Plan and the recommendations for reducing nitrogen dioxide levels at Appendix 1 in preparation for further consultation with relevant stakeholders.
- 2.2 That the Head of Regulatory Services, Housing and Wellbeing be given delegated authority to amend the Air Quality Action Plan, in consultation with the Committee Chairman and Vice Chairman, should this be necessary following consultation or comments from DEFRA. Changes of a significant nature shall be brought back to this committee.

3. Background

- 3.1 The Council has a statutory duty to review and assess air quality within the district under the provisions of the Environment Act 1995.
- 3.2 The monitoring of air quality within the District has previously led to two Air Quality Management Areas (AQMAs) being declared, due to nitrogen dioxide emissions from road traffic being above permitted levels.
- 3.3 The first of these AQMAs was declared in 2008 and is at Muckley Corner on the junction of the A5 & A461 Walsall Road. The second was declared in 2016 and is along a stretch of the A38, between Streethay and Alrewas.
- 3.4 An Air Quality Action Plan (AQAP) is required where an AQMA is declared and must detail the measures that will be used to improve air quality within that area. Both AQMAs have been considered in the AQAP.
- 3.5 A first draft of this AQAP was brought to this Committee in July 2017. At the time, feedback from Members suggested that the recommendations in the previous AQAP were very ambitious and unlikely

to be completed, partly as it relied on other organisations such as Highways England. Further comment was made that references to the A38 AQMA should include Alrewas and not just Fradley.

3.6 It was agreed at the previous committee to consult on the contents of the AQAP and report back to the Regulatory and Licensing Committee once again.

Responses to Consultation

3.7 The main difficulties with the previous AQAP, as Members rightly pointed out, was that the primary measures to reduce levels of nitrogen dioxide in our two AQMAs were entirely out of the control of the Council.

3.8 The main consultees from whom we absolutely *needed* feedback were therefore other organisations who had the ability to put the proposed measures in place as well as the Department for Environment, Food and Rural Affairs (Defra), who would approve the AQAP. These other organisations are Highways England, Staffordshire County Council Highways and the M6 Toll operators (Midland Expressways Ltd.).

3.9 Consultation therefore took place with these organisations and feedback from Defra was prompt. Their main concerns were:

- The AQAP assumes the Council can expect to influence the local road sources of NO₂, when the local road sources that impact on the AQMAs are roads controlled by Highways England, not the local authority.
- Technical issues with the quantification of NO₂ source contributions (i.e HGVs, buses, taxis, others) and impacts of the proposed measures.
- Clear timescales for completion of proposed measures.
- Defined roles and responsibilities.

3.10 Staffordshire County Council Highways' response was, in effect, that both the roads which form the two AQMAs are controlled by Highways England and as a result it is their feedback which is the most relevant. They made some further comments on minor matters.

3.11 Getting a consultation response from Highways England (HE) has been extremely difficult. For almost 12 months hard copies of the draft AQAP, emailed copies and chase up emails to generic email addresses and individuals has been met with absolutely no response. It seems that this is not an unusual situation with other district councils within Staffordshire when dealing with HE. Then, less than two weeks prior to the submission of this committee report, we finally had a response from a consultant acting on behalf of HE. Their concerns were:

- The AQAP states that HE have an ambition to redress the balance of how the M6 Toll and A5 work together. They suggest that whilst this may be an ambition, it is unlikely to be feasible considering the M6 Toll is not under HE's control.
- There are currently no plans to upgrade either the A5 or A38 to Expressways. This measure has been considered in the past but is not currently being proposed. HE suggest that it is something which the Council and HE need to maintain a dialogue about and it is known that in other areas Councillors are lobbying MPs to bring this measure back to the table.
- Urban Traffic Management and Control (UTMC) can only be implemented on the strategic road network by HE. There is no indication in their response as to whether this is possible but HE are clearly suggesting this is out of the control of the Council.
- It is not possible to impose a ban on certain vehicle types on the strategic road network and any kind of ban has been known to impact on other areas.

- The freight consolidation centre measure has previously been considered by HE. They have concluded that purely for air quality benefits the cost to benefit ratio does not add up. The slight benefit just doesn't justify the cost.

On a slightly more positive note, HE have also commented on some measures which they are currently considering and which were not in our AQAP. These are:

- Speed management options such as average speed cameras which may smooth the flow of traffic, thus reducing pollution. This is a measure which is being considered by HE across the Country but there are no specific plans to implement this on the A38 or A5 near our AQMAs. It should also be noted that this is a measure which is unlikely to make any difference to the AQMA at Muckley Corner because it is a roundabout for which vehicles have to stop anyway.
- Physical barriers, similar in design to the noise barriers sometimes seen next to motorways, but larger at around 9m tall and with a curve in towards the road at the top. This is a measure which it is proposed would "trap" pollution on the road side of the barrier. Again, this is a nationwide proposal and there are currently no proposals to implement this at our two AQMAs. Of course, there would then undoubtedly be some Planning concerns around the visual impact of 9m high barriers which mean it is likely this measure would never be used here.
- Their final comment relates to the suggestion that a new fuel called Diesel GTL (gas to liquid) improves emissions from diesel vehicles. Enquiries have been made into how precisely HE can influence HGV operators in using this new fuel and it seems this would be by making sure the infrastructure exists to provide the fuel along roads managed by them. Currently the fuel is only produced by Shell and is not widely available. Again, this is unlikely to cause any appreciable improvements to air quality at our AQMAs in the short to medium term.

For the reasons outlined above, none of these three proposals are considered relevant to the A5 or A38 AQMAs and as such they have not been included in the AQAP.

- 3.12 The M6 Toll operator, Midland Expressways Ltd., has said that there is currently no intention for them to change their pricing structure to encourage greater use by HGVs. Again, it seems this is a measure which may previously have had some potential but at the current time is not going ahead.
- 3.13 In contrast to the stance of Midland Expressways Ltd. on measures to increase traffic moving from the A5 to the M6 Toll, the Midland Connects Partnership (which is a collaboration of local authorities including Staffordshire CC, Local Enterprise Partnerships and other key partners from across the Midlands) have very recently introduced some proposals. Whilst these are primarily designed to ease congestion on the M6, there is a recognised knock on effect in that the measures are designed to make traffic divert from the M6 to the M6 Toll, rather than the A5 or other roads, at times of congestion or when incidents occur. This would in turn reduce traffic levels on the A5 and thus improve air quality.

The measure in the AQAP of increasing the volume of traffic using the M6 Toll via the operator changing their pricing regime has therefore been replaced with the same measure being led on by Midland Connects.

The updated Air Quality Action Plan

- 3.14 Following consideration of the comments on the first draft AQAP, and in particular the very recent comments from HE and proposals by Midland Connects, the AQAP has been amended to reflect the current situation.
- 3.15 In view of the previous comments from Members, further consideration has been given to the resource implications of some of the previous proposals and the measures have been reduced as a result. There were also some concerns that some measures would have had little effect on our AQMAs anyway, such as anti-idling enforcement, which might be effective in an AQMA in a built up urban area

but is unlikely to have any effect on the A38 or in the run up to the roundabout at Muckley Corner, where long term idling is not generally an issue.

3.16 Aside from minor alterations, the principle areas where the AQAP has been updated over the 1st draft are:

- References to the A38 AQMA being for Fradley have been re-named as simply the A38 AQMA and / or described as being between Streethay and Alrewas.
- Page 4: Further information on Midland Expressways Ltd. and the perceived reduction in likelihood that they will change their pricing regime to encourage more HGVs to move from the A5 to the M6 Toll. Also, information relating to Midland Connects and their very recent Strategy to increase the use of the M6 Toll.
- Page 7: Section 2.3 updated to reflect the most recent monitoring data.
- Page 42: Table 5.1 relating to Air Quality Action Plan Measures has been updated to reflect the changes within the report and the feedback received from consultees. It is accepted and written into the table that a number of these measures are outside of the Council's direct control but it is felt that they should remain within the AQAP as they have the potential to have some impact on our AQMAs and the Council can still maintain pressure on these organisations to bring measures forward.
- Page 44 to page 52: This is the narrative to go with the measures outlined in Table 5.1 described above and it has been changed to reflect the changes in that table.

Further consultation and next steps

3.17 Clearly, even if this latest draft is approved by Members, there is now the potential that Defra will not accept certain measures due to them being out of the Council's control. The entire AQAP may therefore fall short of what Defra expect. Depending on their feedback this entire AQAP may have to be revisited and updated, with advice being taken from Defra themselves in relation to what the Council can realistically achieve in relation to air quality improvements in these AQMAs.

3.18 Clearly there is a need to get the basic AQAP right before consulting more widely and the next phase would be to consult Defra. Should they accept the AQAP then we can consult other stakeholders before implementation or returning to this committee as per the recommendations of this report.

Clean Air Strategy 2018

3.19 One final point is that there is currently a Government consultation pending (closing in mid-August 2018): the Clean Air Strategy 2018. This highlights potential new powers for local authorities which may assist the Council in taking action where currently we are unable to do so. The Council will be responding to this consultation to ensure that any new legislation considers our specific problems of trunk roads which are outside of urban areas but which cause pollution problems to residents who live in the vicinity.

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| Alternative Options | <ol style="list-style-type: none">1. We could completely re-think the AQAP in the context of the feedback received, in particular from Highways England. This would cause further delay, however, and is no guarantee that the new AQAP will have more workable solutions. It may, of course, be something which is required of us by Defra if they are not satisfied with the 2nd draft of the AQAP.2. Another option would be to respond to the Clean Air Strategy 2018 consultation and wait until the proposed new powers become clearer. This could then be fed into a new proposed AQAP. This has been discounted because the AQAP is a document which can change to reflect current circumstances and thus changes can take account of new legislation. Stopping further work at this point would only delay the implementation of the plan but |
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| | continuing would not prevent new powers being included in the future. |
| Consultation | 1. Outlined in the body of the report. Further, wider consultation, would take place should the 2 nd draft of the AQAP be approved by Defra. |
| Financial Implications | <ol style="list-style-type: none"> 1. The majority of costs relating to measures outside of our control would be paid by other organisations such as Highways England or Midland Connects. 2. For other measures it may be possible to consider a grant application, for example to install electric charging points which the Office for Low Emission Vehicles (OLEV) provides. The Air Quality Grant Programme is also available for funding schemes to improve air quality. 3. Budget is already allocated to air quality monitoring work and it is not proposed that this is altered. 4. Additional measures to improve air quality for which external funding is not available will have to be considered on a case by case basis. |
| Contribution to the Delivery of the Strategic Plan | 1. The proposals have the potential to impact upon the District Council's Strategic Plan 2016 -20 objective of Healthy and Safe Communities. |
| Equality, Diversity and Human Rights Implications | 1. No implications. |
| Crime & Safety Issues | 1. No implications. |

| | Risk Description | How We Manage It | Severity of Risk (RYG) |
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| A | Delay of AQAP approval leading to a delay in implementing measures. | Swift consultation, though it is accepted response times are out of our control. | Yellow (material) |
| B | | | |
| C | | | |
| D | | | |
| E | | | |