

# North Tyneside Council

## Report to Cabinet

### Date: 20 January 2020

#### Title: Tyneside Air Quality Plan

<b>Portfolio:</b> Environment and Transport	<b>Cabinet Member:</b> Councillor Carl Johnson
<b>Report from Service Area:</b> Environment, Housing and Leisure	
<b>Responsible Officer:</b> Phil Scott, Head of Environment, Housing and Leisure	<b>Tel:</b> (0191) 643 7295
<b>Wards affected:</b> All	

## PART 1

### 1.1 Executive Summary:

While it is important to recognise that air quality is improving, so too is the understanding of the serious public health implications of poor air quality on people. The North Tyneside Transport Strategy sets out as one of its key principles that the Authority will seek to “*Improve safety, health and well-being outcomes and sustainability*” and ensure local air quality continues to meet good standards.

Cabinet has previously agreed the Authority’s approach in responding to the Government’s legal direction to improve air quality in the shortest possible time. Consultation feedback on different options in May and a revised option in November this year along with refined technical information has enabled Newcastle, Gateshead and North Tyneside Councils to develop a final proposal. It is felt that this package more closely meets these wider ambitions while also responding to the specific requirements of the legal order.

This report seeks approval to submit a Full Business Case for the Tyneside Air Quality Plan that is the proposed option for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time. The proposed option includes the creation of a charged Clean Air Zone category C on roads in central Newcastle with supporting highway alterations on the Tyne Bridge and A167(M) Central Motorway. A package of financial and infrastructure mitigation measures including grants, is being sought to support those road users impacted by the proposals.

Whilst North Tyneside will not have any roads covered by the Clean Air Zone, we will experience some of the traffic redistribution impacts of the measures implemented in Newcastle. Furthermore, more people travel from North Tyneside into Newcastle daily

than any other neighbouring authority and so we have a role to play in influencing these trips to move to more sustainable modes of transport.

Cabinet is also asked to note that both Gateshead Council and Newcastle City Council are being asked to approve recommendations as set out below.

## **1.2 Recommendations:**

It is recommended that Cabinet:

- i. note the response to the consultation conducted between October and November 2019;
- ii. note the contents of the proposed package, including the bid for funding for mitigation measures to the Clean Air Fund; and
- iii. approves the Full Business Case for the Tyneside Air Quality Plan as the proposed option for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time, in adherence to the Authority's obligations under the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 and the Environment Act 1995 (Gateshead Council, Newcastle City Council and North Tyneside Council) Air Quality Direction 2019.

## **1.3 Forward Plan:**

Twenty-eight days' notice of this report has been given and it first appeared on the Forward Plan that was published on 19 December 2019.

## **1.4 Council Plan and Policy Framework**

The proposals in this report relate to a number of priorities in Our North Tyneside Plan 2018-2020; in particular:

- Our places will:
  - Provide a clean, green, healthy, attractive, safe and sustainable environment
  - Have an effective transport and physical infrastructure – including our roads, pavements, street lighting, drainage and public transport

## **1.5 Information:**

### **1.5.1 Background**

Successive national governments have failed to tackle air pollution in the UK effectively, leading to a series of legal actions against the Government. One of these, in May 2017, led to the Department for Environment, Food and Rural Affairs (Defra) issuing legal Directions to a number of local authority areas across the country requiring them to improve air quality on specific stretches of road "in the shortest possible time".

Newcastle City Council, Gateshead Council and this Authority received Directions requiring each authority to improve air quality, with a particular focus on roads which had been modelled by the Government (using a national air quality model) not to be in compliance. These roads were parts of the Central Motorway and its approaches to the Tyne Bridge and areas on the Coast Road. Government guidance required authorities to look for solutions that would deliver compliance as quickly as putting in place charges for polluting vehicles (a charging Clean Air Zone). It also defined the categories of the charging zones that authorities should test.

Following a government-issued legal direction to identify the option that will deliver compliance with legal limits for nitrogen dioxide (NO<sub>2</sub>) in the area for which the authority is responsible, in the shortest possible time, Gateshead, Newcastle, and North Tyneside councils have worked together to develop the Business Case in line with Government guidance. All options had to be compared to a charging Clean Air Zone in how quickly they could deliver compliance. Potential impacts on the economy could only be considered as a determining feature if more than one option delivered in the same time frame.

While it is not specifically required by Government, the Cabinets of all three authorities have been clear that success should also be measured by whether it is possible to achieve sustainable changes in air quality and in travel behaviour for the long term. The aim is also to ensure that solutions are fair, support the economy and improve public health, rather than following a direction to focus solely on specific stretches of road for one pollutant.

The authorities have also worked together and with other cities across the country to highlight the challenge of progressing this work within constrained timescales and have consistently highlighted concerns that Defra's narrow approach to NO<sub>2</sub> (and only on specific road links) could exacerbate rather than resolve public health and climate change issues.

The councils have also been clear that not enough action is being taken at a national level to address these problems. Urgent action is needed to eliminate air pollution of all kinds, not just NO<sub>2</sub>. The councils recommend establishing programmes that provide financial support for the poorest in our society and for small businesses to switch to cleaner vehicles; shared transport or active travel by support through schemes such as grants/mobility credits; extending electric vehicle subsidies and offering a national scrappage scheme to help combat harmful levels of pollution. It has also called on Government to implement the recommendations of the National Infrastructure Commission, which would give certainty to infrastructure budgets over a longer period, enabling local authorities to plan and deliver works (such as cycling and walking infrastructure) with more certainty and less focus on meeting specific funding requirements.

Achieving continuous improvement in public health in the region and addressing the challenges presented by climate change in line with the Authority's declaration of a climate emergency will require further action over and above this plan. In the consultation, residents and stakeholders clearly recognised and supported action being taken to improve air quality but wanted better reliability and affordability in alternative transport choices and support in upgrading vehicles before charging for private vehicles was introduced. It is important therefore to consider the proposed package of measures in the context of wider investment proposals across Tyneside, including:

- New Metro fleet carriages to be introduced by 2023;
- Substantial improvements to public transport, walking and cycling as part of the £377m Transforming Cities proposals submitted by the seven north east local authorities and Nexus (to be delivered by the end of 2023); and
- Improvement to the A1 north and south of the Tyne.

Our aim has been to select the option most consistent with the three authorities' ambitions on fairness, public health improvement and minimising economic impact that

also delivers legal compliance in the shortest possible time. In line with the Cabinet paper considered in September 2019, the core elements of this package are:

- a charging Clean Air Zone category C (outlined in **Appendix 1**) affecting non-compliant buses, coaches, taxis (Hackney Carriages and private hire vehicles), heavy goods vehicles and vans from 2021;
- changes to the road layout on the Central Motorway, that will prevent traffic from merging on and off the slip lane between the New Bridge Street and Swan House junctions from 2021; and
- lane restrictions on the Tyne Bridge and Central Motorway. These restrictions will be put in place from 2021 to support air quality work but the councils are also asking government for £40m funding to ensure essential maintenance works take place at the same time, this work is one of 12 schemes which the government is developing as part of the Major Road Network Fund and the funding is managed through a separate process.

Many options that would have delivered changes in longer periods of time such as adjusting land use patterns or developing park and ride sites and associated rapid transit (bus or light rail) and integrated ticketing infrastructure would not have been an acceptable solution. This is because they do not deliver compliance in the shortest possible time and as such, could only be taken forward outside of the context of this work. The Authority continues to work with our neighbouring authorities and Nexus to develop proposals for longer term significant infrastructure improvements such as light rail extensions.

The options considered had to be tested in both transport and air quality models which were developed and validated to national standards. It is the outputs from these models that are used to inform how effectively different options perform. This approach was defined by Government and is in line with their 'Green Book' appraisal of public investments.

In February 2019 the authorities approved two principal options for consultation with the public (referred to throughout the remainder of this report as "the original options"). These were:

- i. a Clean Air Zone in which vehicles of all types that did not meet minimum emissions standards would be charged to enter the zone (a CAZ D). The proposed area covered all the routes identified by Government as having high levels of air pollution, and other areas where air quality was known to be an issue; and
- ii. a Low Emission Zone (LEZ) forbidding more polluting buses, Heavy Goods Vehicles (HGVs) and taxis/private hire vehicles from entering Newcastle City Centre, combined with tolls for all vehicles crossing the Tyne, Swing and Redheugh bridges.

Based on our transport and air quality modelling at that time, neither option was able to reduce air pollution sufficiently across all key roads by the end of 2021, with pollution levels on the Central Motorway proving particularly challenging to address.

Economic impact analysis highlighted that a CAZ D had significant negative impacts. Re-routing (particularly into certain residential areas and onto the A1 and A19) and the size of the clean air zone area also led to marginal improvement in air quality and public health across the whole area in the initial years. The Low Emission Zone & toll option was also estimated to impose a negative economic impact (though lower than the clean

air zone proposed initially) because it also led to very significant rerouting and negative impacts on the A1.

As referred to in the September Cabinet report, further discussions with Government led to adjustments in the projections of how many diesel vehicles were expected to be on the roads in future years. This took into account lower diesel vehicle sales (as opposed to the Government's models which projected growth) and subsequently reduced the modelled pollution levels for all options. As such it opened up the possibility that a lower level Clean Air Zone with additional measures would deliver similar improvements as the original options but with less rerouting or negative economic implications. This change and consideration of feedback from the initial consultation led to the proposed package on which consultation has recently ended. This revised proposal is shown to deliver compliance in the same timeframe as the original options.

The authorities are proposing not to charge private vehicles in the first year of a charging scheme but will keep all potential measures under consideration. The authorities will be required to consider extending or upgrading any CAZ to incorporate private vehicles (or introduce more general tolls) if compliance is not achieved or could do so in response to other environmental concerns.

Defra is required to fund the capital costs of introducing the preferred option through the Implementation Fund as a grant; the estimated costs of implementation are £21m between 2019/20 and 2021/22. This includes expenditure on infrastructure, staffing, signage, ICT and other matters.

Subsequent running costs between 2022/23 and 2026/27 are around £12m, principally on staffing and operations.

Defra may choose to fund mitigation measures necessary to delivery of the preferred option through their Clean Air Fund as a grant and subject to a bidding process. The proposed mitigation options set out in this report comprise a demand of just under £40million from the Clean Air Fund. This is separate to the £40million being sought by from DfT for works to Tyne Bridge.

Any revenue received in excess of the costs of continuing to operate the charging CAZ scheme is required to be reinvested in transport to facilitate the achievement of transport policies in accordance with the terms of the legal order bringing the clean air zone scheme into force. The disbursement of any surplus funds is planned to be governed through a member-led joint committee to commence from June 2020, which will be constituted as appropriate. The current estimates for surplus revenue, over a 5-year period, range from between £4million to £12million.

As part of these proposals and taking into account feedback from the consultation and the outcomes of the impact assessment, it is proposed to bring forward across the 3 authorities:

- a £1.4million programme of 'School Streets' – enabling children to be protected from poor air quality;
- improvements to Newcastle's cycling network plan; and
- a bid for £7.3million to make changes to the local road network in Newcastle and Gateshead to provide additional public transport priority, these proposals have been designed to reflect the Tyne Bridge restrictions and create a visible improvement in public transport reliability, making it a more viable and attractive choice.

The authorities also propose to take forward further requests to Government to minimise the impact on affected businesses and individuals through a bid for:

- £25.4m to provide grants to affected individuals and businesses;
- £3.5m to provide a freight consolidation centre;
- £1.5m to provide a lease scheme enabling access to Ultra Low Emission Vehicles for licensed Hackney carriage/private hire drivers; and
- £0.8m for a pilot electric van scheme (along with a bid for funding from Highways England to support this).

### 1.5.2 Consultation outcomes

An additional consultation took place over six weeks between 14 October and 25 November 2019. The consultation was widely publicised through a range of channels, including social media, emails to consultation panels in the three authorities, a range of media coverage, information made available in customer contact points and libraries, face to face meetings with stakeholders and community groups, and letters to every taxi or private hire driver licensed to operate in the three authorities.

This consultation attracted 2,777 questionnaire responses from individuals; businesses; community groups and voluntary organisations; with additional written representations from major stakeholders such as bus operators; Highways England; and Client Earth. This builds on over 20,000 responses to the previous consultation. Over 69% of respondents were from residents and commuters (41% were from Newcastle), with 9% living within the proposed CAZ and 13% running a business operating within the CAZ. The respondents were consistent with the commuting patterns for the major employment sites in the three local authority areas and were again strongly skewed towards car owners.

As with the previous consultation, demographic analysis shows that the proportion of respondents reporting a long-term health problem or disability was representative of the local population as a whole. However, older and higher income groups were more likely to respond to the consultation. As such, Cabinet may wish to consider analysis of impacts on younger and lower income groups less likely to give their views through the consultation process alongside the consultation responses. The impact assessment provides some basis on which to do so. It also indicates that the proposed option could have a negative impact around some schools, while also noting the potential for people on lower incomes to be impacted upon if charges or delays on the road network due to changes on the Tyne Bridge impact on the reliability and cost of public transport operations. The measures outlined in section 9 are in part designed to mitigate such impacts.

In line with the approach to the previous consultation, an independent analysis of responses was carried out and is attached to the Business Case. Some key messages from this are:

- 47% agree with the geography of the CAZ area (compared to 27% in the previous consultation);
- 56% agree with the overall principle of the CAZ; and
- there was greater agreement than disagreement for every supporting measure, with peaks for exemptions and fleet planning support and non-financial measures tending to generate greater support than grants.

During the course of the consultations, officers engaged directly with key business or representative groups potentially affected by the proposals, such as:

- a retail taskforce led by NE1 and Intu (representing both Eldon Square and the Metro Centre);
- a representative group of professional services;
- the Developing Consensus group;
- major employers in health, education and the Police;
- bus and coach operators;
- sustainable transport and environmental groups;
- Highways England;
- freight operators and representative groups;
- Hackney Carriage and private hire groups;
- a series of working groups led by NE1 and the North East Chamber of Commerce that included hoteliers, leisure venues and smaller businesses in the potential CAZ area;
- Wholesalers and small retailers; and
- in Newcastle City Council, attendance at the Overview and Scrutiny Committee

A point consistently raised was that until the package of funding provided by Government to mitigate is known, the scale and to whom negative impacts will be impacted is difficult to determine. In addition, a selection of the views expressed included that:

- the property, retail, professional services, development community and certain groups such as those with people working shift patterns without access to alternative ways of travelling felt that the revised proposal had clearly taken into account many of the suggestions and representations that had been made by various groups but that challenges would remain particularly for specific types of businesses;
- Highways England noted that they were supportive of the aims of the CAZ and recognised that this option has less of an impact on the Strategic Road Network than the original options;
- ClientEarth, along with some other sustainable transport representative groups did not feel that the action the Council was taking would lead to compliance in the shortest possible time, with consequent risks, and they urged the councils to finalise their plan and implement measures to ensure compliance, while encouraging us not to implement measures that would negatively impact people;
- licensed Private Hire and Hackney Carriage drivers supported the principles of grants to support the transition but also raised significant concerns if the level of financial support was not secured from Government. They also raised specific issues about how certain drivers would be able to access grant funding;
- small businesses and retailers indicated that it would be very difficult to absorb the costs of upgrade of their vehicles even with a grant or to pay the cost of charges. This may cause the business to fold. Some would pass on costs to customers; and
- bus operators highlighted that even with access to grant funding, they would be unable to upgrade their vehicles in time for a 2021 start date, that charges could negatively impact on the number of services that they were able to run and impact on costs of services. They also noted that without priority measures the impact of

changes to the Tyne Bridge could compound existing issues on the road network and that reliability of their services was the most important aspect of making public transport attractive and keeping fares low.

The consultation undertaken has affected the format of the proposed package of measures by:

- altering the scale and scope of exemptions proposed as part of the preferred option – particularly how ‘sunset periods’ would apply to Hackney Carriage and Private Hire vehicles and commercial vehicles and around exempt vehicles;
- changing the scope of grants being offered, for example ensuring that Hackney Carriage and Private Hire vehicle grants were equal and that many small operators who provide Community Transport Services would be impacted are supported in accessing funding to upgrade vehicles;
- directing the focus of work regarding infrastructure improvements required to protect those using buses;
- enabling greater understanding of how people intend to respond to the measures and enabling the authorities to learn lessons about how to communicate with specific groups to enable them to access grants or other initiatives;
- reducing the number of delivery hubs, following operator feedback; and
- introducing specific measures to protect schools and accelerate delivery of active and sustainable transport modes.

### 1.5.3 Alternative Options

The Authority is required by the legal direction to develop the Business Case for the clean air plan. A CAZ D and low emission zone with tolls have been considered and eliminated for the reasons set out above.

The proposed option (CAZ class C, traffic management supported by mitigation measures) is shown to enable compliance with air quality limits in 2021 on local roads. Taking account of feedback received, a full Integrated Impact Assessment is published alongside the Business Case. Key impacts, in comparison with the original options, are outlined below.

### 1.5.4 Public health

Public health impacts depend on the level and distribution of improvement in air quality, the shift from car use to active travel and public transport, and the impact on the wider determinants of health and health inequalities as a result of the economic cost of the CAZ.

Our modelling shows that the CAZ C delivers the NO<sub>2</sub> limits in the Direction in the same timeframe as the CAZ D. It is important to note that the performance of the CAZ will be kept under review and the authorities are required to consider extending or upgrading any CAZ to incorporate private vehicles if compliance is not achieved. The authorities could also choose to review the CAZ in response to other environmental concerns.

The balance between air quality improvement in areas where traffic is reduced and risk of higher pollutant levels in areas to which any traffic is displaced is a key factor. Displacement of traffic under the preferred option is much lower than it would be under a



larger CAZ, giving a clear overall public health benefit to the area from the outset regardless of whether the CAZ is a D or a C.

Modelling of the smaller CAZ area shows improvements in air quality and public health. Over time, a CAZ D would become more favourable in terms of the impact of air pollution on health, as it would result in more vehicles being upgraded sooner. This would also result in a greater level of active travel.

However, this does not account for any potential effect on public health caused by the overall economic impact of a CAZ D, which analysis indicated would be significantly more negative in the short term than a CAZ C. This would be particularly felt amongst lower income groups, potentially increasing inequalities.

#### 1.5.4 Fairness

The proposed option could have adverse fairness impacts for people using bus, taxi and private hire vehicles. This includes potential changes to prices or routes of bus services and reduced commercial viability of some services, albeit this may be offset by the reduced attractiveness of the private car for cross-Tyne travel. Subject to Government funding, it is proposed to mitigate these through the provision of grants or access to leases as set out in **Appendix 2**. Those living and working in areas affected by traffic management changes will be supported through targeted packages at those locations including additional bus priority measures and junction changes at key locations, though again this is subject to Government funding.

#### 1.5.5 Economy

Government require that economic impacts of the proposed measures include the cost or benefit of changes in greenhouse gas emissions, the cost of inconvenience to residents and businesses of changing travel patterns due to charging, and the economic benefits of improved air quality.

This assessment does not take account of the economic impact on businesses of any change in attractiveness of Tyneside or the city centre as a place to do business. While many business interests had wished economic impact to be taken into account, this can only be done when more than one option delivers air quality compliance in the same year. An independent economic assessment undertaken for the authorities suggests that a CAZ C would have the lowest economic impact on businesses (less than a CAZ D) and the LEZ and toll option the highest.

Overall, using standard appraisal methodology it has been estimated that the preferred package of measures will have an overall impact of £-59m over 5 years and a CAZ D would have an overall impact of £-211m. This does not include the cost of paying any charges.

#### 1.5.6 Climate change

The CAZ C will likely lead to positive impacts in terms of the authorities' commitment to achieving net zero carbon emissions. This is due to the fact fewer trips will be made and that vehicles will be upgraded to newer models, which emit lower levels of carbon. In itself, the CAZ C will not lead to a very significant impact on overall carbon emissions, however, when combined with the transport investment set out above, there will potentially be large positive impacts on climate change.

### 1.5.7 How success will be measured

The primary measure of success will be through the reduction in exposure to air pollutants of the residents of Newcastle, Gateshead and North Tyneside. While a principal focus through this work is the attainment of pollution levels below the legal limit value thresholds again it must be reiterated that there is no safe level of exposure and that other pollutants such as particulate matter also causes significant public health issues.

The authorities have worked with partners at Newcastle University Urban Observatory to deploy additional monitoring equipment across the area. This has included both high-precision stations and indicative sensors. Taken with the existing monitoring network, it is believed that the area has one of the most comprehensive urban sensing networks in the UK.

As identified elsewhere in this report, authorities have identified a number of crucial secondary objectives to be met through this work. Correspondingly, success will also be measured through:

- Impacts on public health;
- Impacts on the economy; and
- Impacts on people, particularly the most vulnerable, in our society.

The measures will be evaluated according to a comprehensive monitoring and evaluation plan, which is included in the Business Case. This complies with both Defra Joint Air Quality Unit (JAQU) guidance and the Government's Magenta Book.

### 1.5.8 The timetable for implementation

If agreed, the Business Case will be submitted to the Joint Air Quality Unit in January 2020.

The delivery of the measures required will be undertaken throughout 2020: they are anticipated to be in place by January 2021, in order for the scheme to become active.

Effective delivery of the preferred option is dependent on Government action on a number of key issues, including:

- i. providing the necessary resources for implementation and mitigation in a timely fashion;
- ii. confirmation of available funding in order to allow local authorities to procure both required new systems and relevant mitigation;
- iii. provision of a national Hackney Carriage and and Private Hire vehicle database; and
- iv. provision of central systems to allow payment and processing, in order that local authorities can deliver their own Clean Air Zones.

## **1.6 Decision options:**

The following decision options are available for consideration by Cabinet:

### Option 1

Cabinet approves the recommendations at paragraph 1.2 of this report.

### Option 2

Cabinet does not approve the recommendations at paragraph 1.2 of this report.

Option 1 is the recommended option.

## **1.7 Reasons for recommended option:**

Approval of the recommendations will permit progress towards satisfying the legal direction issued by the Government requiring local authorities to create plans to address air quality issues on specific local roads.

## **1.8 Appendices:**

Appendix 1 – Map of new charging clean air zone

Appendix 2 – Summary of Grants

Appendix 3 – [Full Business Case for Tyneside Air Quality Plan](#)

*(Due to the size of the Full Business Case document it has not been circulated however it has been published and is accessible via the hyperlink).*

## **1.9 Contact officers:**

Nicholas Bryan, Highway Network Manager, 0191 643 6622

Colin MacDonald, Senior Manager, Technical and Regulatory Services, 0191 643 6620

Claire Emmerson, Senior Manager, Financial Strategy and Planning, 0191 643 8109

Stephen Ballantyne, Legal Manager, Governance and Employment, 0191 643 5329

## **1.10 Background information:**

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

- (1) Report to Cabinet 25 February 2019 – [Tyneside Air Quality Feasibility Study Report](#)
- (2) [North Tyneside Local Plan](#)
- (3) [North Tyneside Transport Strategy](#)
- (4) [Integrated Impact Assessment \(IIA\)](#)
- (5) [Air quality public consultation 2019 – summary of findings](#)
- (6) Defra [Air Quality Plan for Nitrogen Dioxide \(NO<sub>2</sub>\) in UK \(2017\)](#)
- (7) Defra [Clean Air Zone Framework](#)

- (8) [Clean Air Strategy 2019](#)
- (9) [Environment Act 1995](#)
- (10) [Air Quality Standard Regulations 2010](#)

## **PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING**

### **2.1 Finance and other resources**

Financial Implications – The proposed option to implement the CAZ measures are estimated to cost £73m between 2019/20 and 2026/27; £33m to deliver a range of measures to improve local air quality and £40m to support people and businesses adversely impacted by the air quality improvement measures.

It is expected that Government will fund the measures that are required to improve air quality through the Implementation Fund and a bidding process is required for the Clean Air Fund for the remainder. Further reports will be brought to Cabinet to support these bids. It should be acknowledged that if government funding is unsuccessful or at a reduced level, the measures would have to be reviewed and scaled back appropriately.

### **2.2 Legal**

The Authority is required to submit a Feasibility Study identifying the preferred option for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time pursuant to the Air Quality Direction 2017.

The Authority, as part of its Feasibility Study, is also required to prepare a full Business Case and submit such to the Secretary of State.

The authorities have the power to create a Clean Air Zone, as set out in the Transport Act 2000 and Local Transport Act 2008, subject to carrying out public consultation and giving consideration to the necessity of holding a public inquiry.

The measures set out in this report are within the powers of the relevant Authority, subject to consultation and the relevant statutory procedures, including the making of Traffic Regulation Orders.

In accordance with Part 3.2 of the Authority's Constitution, Cabinet is responsible for the discharge of the Authority's functions in relation to the control of pollution or the management of air quality.

### **2.3 Consultation/community engagement**

#### **2.3.1 Internal consultation**

Internal consultation has taken place with the Cabinet Member for Environment and Transport.

### 2.3.2 External consultation

Two public consultation exercises have been carried out between March and May, and then October and November as described in section 1.5.2 of the report.

Stakeholder engagement is ongoing with key affected groups including business groups, transport operators, Nexus, public health representatives, and environmental health representatives.

## 2.4 **Human rights**

There are no human rights implications directly arising from this report.

## 2.5 **Equalities and diversity**

There are no adverse equality and diversity implications directly arising from this report. The Authority has fulfilled its duties under the Public Sector Equality Duty by undertaking an initial Integrated Impact Assessment (IIA) on the charging Clean Air Zone.

## 2.6 **Risk management**

Strategic and operational risks associated with Air Quality matters are assessed via the established corporate process. The Full Business Case indicates that the Authority will have no local roads in exceedance of the legal directive in 2021 and therefore comply with UK law.

The key risk is to the public health of the people of the area. Poor air quality is impacting on people's lives and needs to be addressed. The Authority has made a number of improvements in recent years but there is a need to continue to do so through this plan and engaging with people about their travel choices.

A further fundamental risk is failure to achieve compliance with air quality standards as defined in EU directives, which have also been incorporated into UK law. While it is unclear what the exit from the EU might mean in terms of the implications not only if targets are not met, but also on travel patterns associated with any wider economic impact, it is clear that the legal direction would be transposed into UK law.

With such significant policy changes, one key risk is causing significant adverse impact on the residents of the borough or protected groups. In order to identify and mitigate this risk, the three authorities are undertaking impact assessments and identified appropriate mitigations proposed to be funded through the Clean Air Fund.

In addition to the methodology which the three authorities have had to adopt within the timescales, transport and air quality models are necessarily representations of reality, rather than expressions of on the ground conditions. While proportionate updates and calibrations have been undertaken with models in order to reduce risk, no model is 100% accurate.

A further risk relates to the availability of funding to implement a solution. While the Authority is required to submit business cases to the Government, it is not guaranteed to receive funding, particularly for the Clean Air Fund, which is a competitive fund.

There are risks to the deliverability of any CAZ on a complex existing urban road network, particularly with regard to the complexities of providing sufficient alternative

routing options when at key decision points. These will be mitigated through continued dialogue between Traffic Managers, the Traffic Penalty Tribunal and the Joint Air Quality Unit, installation of new signage and provision of information.

## 2.7 Crime and disorder

There are no crime and disorder implications arising directly from this report.

## 2.8 Environment and sustainability

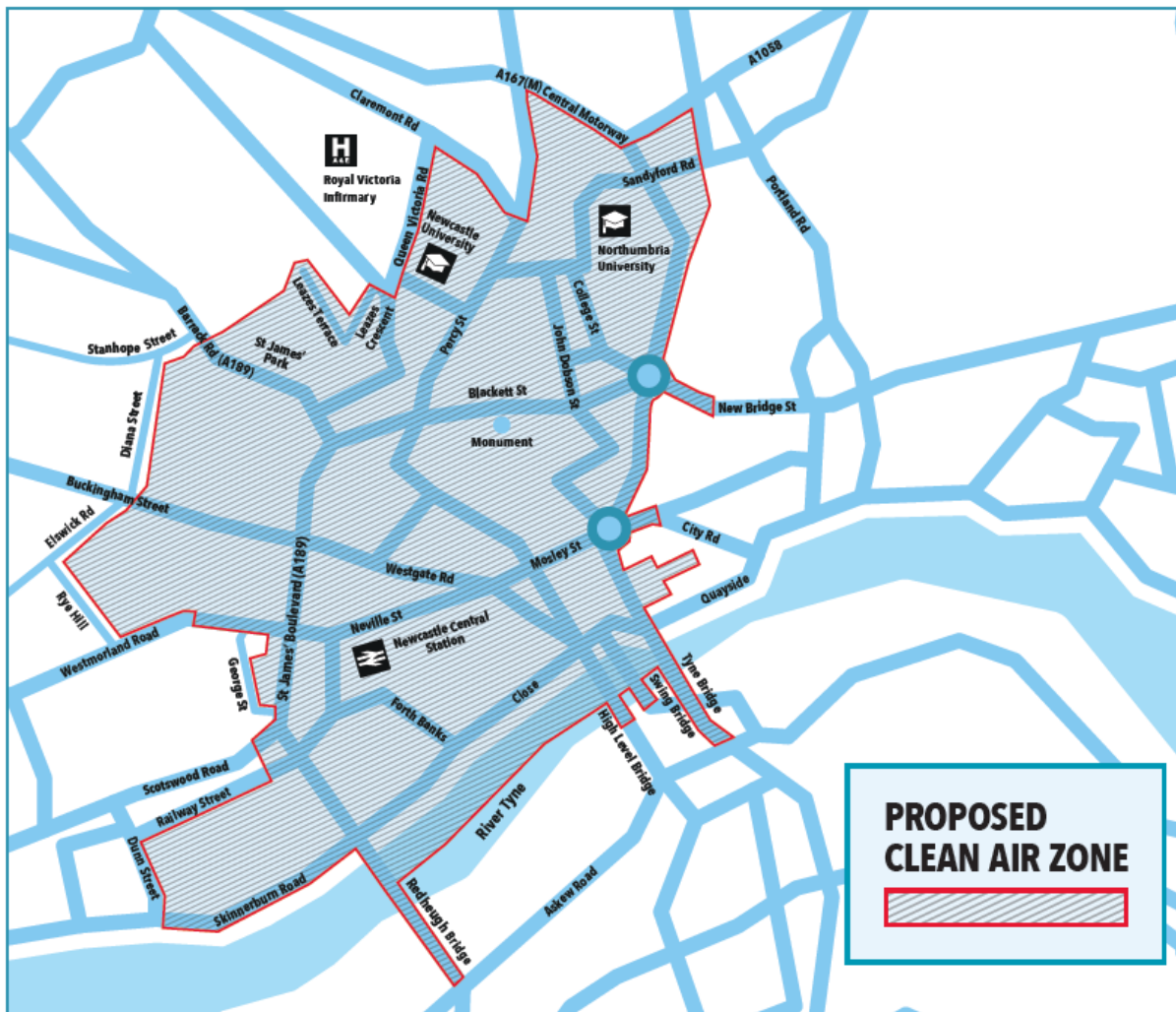
The proposed option will likely lead to positive impacts in terms of the council's commitment to achieving net zero. This is due to the fact fewer trips will be made and that vehicles will be upgraded to newer models, which emit lower levels of carbon. Over 5 years, it has been estimated that the CAZ C will result in lower carbon emissions of around 249,000 tonnes across the study area.

The Air Quality Feasibility Study outlined in the report aims to address the exceedance in the Authority's area identified by Defra in the Air Quality Plan 2017. The proposals in the report seek to contribute positively towards improving air quality. The Full Business Case highlights that the Authority is already satisfying the legal direction and that no roads will be in exceedance in 2021.

## PART 3 - SIGN OFF

- Chief Executive
- Head of Service
- Mayor/Cabinet Member(s)
- Chief Finance Officer
- Monitoring Officer
- Head of Corporate Strategy and Customer Service

Proposed scope of new Clean Air Zone (CAZ)



### Summary of grants

For private hire and Hackney carriage drivers:

- £2,000 to upgrade to a compliant new vehicle
- £10,000 to upgrade to a compliant new wheelchair accessible vehicle
- £3,500 to upgrade to a compliant new ultra low emission vehicle

For LGV drivers / owners:

- £4,000 to upgrade to a compliant new vehicle
- £8,000 to upgrade to a compliant new ultra low emission vehicle

For HGV/bus/coach drivers or owners

- £16,000 to upgrade to a compliant new vehicle