

30 July 2013

West Midlands Low Emissions Towns and Cities Programme

Ward(s) All

Portfolios: Councillor Adrian Andrew – Regeneration and Transportation

Executive Summary:

This report informs the Scrutiny and Performance Panel of activities associated with the West Midlands Low Emissions Towns and Cities Programme (LETCP) in regards to the Council's statutory duties and responsibilities relating to borough-wide review and assessment of air quality.

Reason for scrutiny:

To inform and update Members of progress on work themes undertaken within the remit of West Midlands Low Emissions Towns and Cities Programme (LETCP).

Recommendations:

That, subject to any comments Members may wish to make, the report be noted.

Background papers:

1. Walsall Council: Air Quality Action Plan 2009
2. LETCP Draft Low Emission Strategy
3. LETCP Draft Good Practice Planning Guidance
4. LETCP Draft Good Practice Procurement Guidance
5. Cabinet Report dated 30 November 2005: Re-designation of Air Quality Management Areas
6. Walsall Council 2006 – Order Designating and Air Quality Management Area

Resource and legal considerations:

In 2010/11 DEFRA provided an initial grant of £100,000 to the West Midlands authorities (administered by Walsall Council) to oversee the co-ordination of the West Midlands Low Emissions Towns and Cities Programme. Further grant awards were subsequently secured 2011/12 and 2012/13.

Citizen impact:

Air quality has a direct influence on the health of the general public as well as the environment. By virtue of EU directives member states are tasked with duties to review and assess air quality as an on-going annual basis.

The UK's statutory air quality review and assessment regime is designed to improve and safeguard the health of exposed persons, which in the main constitutes citizens. By declaration of Air Quality Management Areas (AQMAs), local authorities must demonstrate how they are working towards achieving national air quality objectives through the implementation of local air quality action plans and associated mitigation measures.

Environmental impact:

Review and assessment of air quality is mandatory, serving the purpose of identifying areas of relatively poor air quality and demonstrating to central government actions being taken to redress this within a framework of UK national and EU standards.

The borough has a population of approximately 253,499 and an area of some 41 square miles through which major sources of transport-related air pollution are the M6 motorway, dissecting the borough, and major arterial roads including Wolverhampton Road (A454), Lichfield Road (A461). Walsall, along with five other West Midlands authorities, has declared Air Quality Management Areas and each face the key challenge of tackling vehicle emissions.

Performance management:

There exists a potential threat of infraction proceedings levied by the European Parliament on central government on account of failures by the UK, as an EU member state, to achieve air quality limit values by prescribed dates. In-turn there is a sanction on behalf of central government for this infraction to be passed on to local authorities, thus it is important for the Council to demonstrate that it is making efforts to redress poor air quality.

All local authorities are required to demonstrate that they have discharged their air quality duties under Part 4 of the 1995 Environment Act having regard to published procedures and formal guidance. If necessary, they must also have designated AQMAs and drawn up related action plans. If the Secretary of State is satisfied this has all been undertaken and air quality objectives are still not met, further action may have to be taken at a national level possibly with the involvement of other agencies. Should the Secretary of State deem that the Council has not satisfied these conditions, a direction can be issued forcing the Council to undertake given work or tasks.

Through Scrutiny, the need to effectively manage and resource air quality functions in line with national requirements is identified in the context of potential service risks and future Council policy.


Equality Implications:

Development and delivery of local air quality action plans and measures designed to improve air quality must be an inclusive process, not only for the purposes of achieving national objectives but also to link in with policies borough-wide which have a direct effect on sustaining safer, cleaner, and stronger communities and providing support for vulnerable sectors.

Consultation:

The LETCP has produced a draft low emission strategy together with draft good practice guidance relating to planning and procurement. These have been subject to a public consultation exercise which closed on 10 June 2013.

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1. Report

1.1 Introduction

- 1.2 The review and assessment of air quality is a statutory function that all local authorities must undertake. The purpose of this is to demonstrate to central government what action is being taken to improve poor air quality and meet UK national and EU limits. Within the West Midlands all authorities with the exception of Solihull MBC have declared borough-wide Air Quality Management Areas on account of elevated levels of Nitrogen Dioxide (NO₂) stemming from road vehicle emissions that are in breach of a UK national air quality objective. Set in a countrywide context, outside of London the West Midlands conurbation has the worst NO₂ problems in the UK.
- 1.3 Since the UK is in breach of EU Air Quality Limit Values it is reported there is a likelihood the European Commission could impose a fine of up to 300 million euros on the UK Government if it fails to demonstrate that it is doing all it reasonably can to reduce NO₂. A recent Supreme Court ruling (1 May 2013) found that the UK government has failed in its legal duty to protect people from harmful effects of air pollution and accordingly has failed in its efforts to meet European air pollution limits. Central Government has indicated it may pass on the fine *pro rata* to Local Authorities who fail to undertake reasonable measures to redress air quality issues in their respective area.
- 1.4 The health impacts of air pollution are well documented. The Committee on the Medical Effects of Air Pollution (COMEAP) estimated that air pollution in the UK in 2009 caused 29,000 premature deaths¹. The Environmental Audit Commission (EAC) estimated that the cost to health from poor air quality in the UK ranges from £8.5 to £20 billion per annum² and research shows that road transport emissions account for more deaths in the UK than road traffic accidents³.
- 1.5 The West Midlands urban area exceeds EU Limit Values for NO₂ principally in the vicinity of key road networks. For cases where there are exposed populations, COMEAP reports that NO₂ can have the following adverse health effects:
- Toxic in high concentrations
 - Triggers and exacerbates asthma
 - Acts as a pre-cursor for ground level Ozone formation which can trigger sudden cardio-vascular episodes

2. West Midlands Low Emissions Towns and Cities Programme (LETCP)

- 2.1 LETCP is a partnership comprising the seven⁴ West Midlands local authorities working together to improve air quality and reduce emissions from road transport

¹ Committee on Medical Effects of Air Pollution (COMEAP, 2009) estimate 29,000 premature deaths each year in UK

² Environmental Audit Committee Report 2011.

³ Public Health Impacts of Combustion Emissions in the United Kingdom, Steve H. L. Yim and Steven R. H. Barrett, *Environ. Sci. Technol.*, **2012**, 46 (8), pp 4291–4296

⁴ Birmingham City Council, Coventry City Council, Dudley Metropolitan Borough Council, Sandwell Metropolitan Borough Council, Solihull Metropolitan Borough Council, Walsall Metropolitan Borough Council, Wolverhampton City Council

regionally. The intention is to do this by promoting the uptake of low emission fuels and technologies, establishing and sharing best practice policies, and developing various tools and resources for this purpose. The objectives of the programme are to investigate and produce regional strategies designed to improve air quality with a view to meeting national air quality objectives. By direct association this promotes compliance with EU emission limits, reduction of carbon emissions and supports the objectives of the Local Transport Plan 3 (LTP3) to improve air quality and reduce emissions from road transport.

- 1.2 LETCP is overseen by a Project Board comprising of air quality specialists from each of the West Midland authorities. Walsall Council administers the Programme on behalf of the local authorities and chairs the Project Board.
- 2.3 A part-time Regional Co-ordinator has been recruited by Walsall Council (funded by Defra Air Quality Grant) to oversee the programme and progress work streams. In addition, an independent low emission strategy specialist contractor has been recruited to oversee the delivery of the Programme on a part-time basis.
- 2.4 Over the past three consecutive years the LETCP has secured three elements of funding from Defra's⁵ Air Quality Grant scheme to undertake work in relation to the programme. Briefly this includes:
 - a) 1st tranche £100,000, awarded to Walsall Council in 2010/2011 to undertake the development of a Low Emissions Strategy and Best Practice Guidance on Public Sector Procurement and Planning.
 - b) 2nd tranche £120,000, awarded to Birmingham City Council in 2011/12 to undertake a Low Emissions Zone (LEZs) Technical Feasibility Study. This is examining various scenarios to develop a transferable "toolkit" for local authorities looking to designate LEZs, utilising four study zones:
 - I. Birmingham city centre within the inner and outer ring roads
 - II. The M6 corridor between the junctions for the M6 Toll road
 - III. Bearwood Road
 - IV. A456/A458 from Dudley to Birmingham
 - c) A 3rd Defra grant application was made in June 2012 to extend the timescale and scope of the programme. Defra awarded a further £150,000 funding to Birmingham City Council to include:
 - I. the provision of further data concerning the West Midlands vehicle emission profile and traffic flows and forecasts, to be used as inputs into the LEZ Feasibility Study. There will be particular focus on data analysis with respect to the M6 and M6 Toll Road scenarios.
 - II. the development of a Low Emission Vehicle and Infrastructure Plan: this will build on the current LTP3 and findings of the LEZ Feasibility Study, to develop 1) a bus emission strategy; 2) an emission agreement

⁵ Department for Environment, Food and Rural Affairs

as part of the West Midlands Freight Strategy; 3) an initiative aimed at improving taxi emissions as part of licensing review; 4) and an Infrastructure plan to facilitate uptake of low emission vehicles both in public and private sector.

- III. work with Public Health Authorities, Health Protection Agencies, schools, and the NHS to develop an awareness campaign regarding the impacts of air pollution. This work will build on findings of the LEZ Study Health Impact Assessment. Work is also currently underway to develop an Air Quality/Health Awareness Project with Walsall Schools as part of the Walsall A Stars Schools Programme.

2.3 Four councils have been tasked with leading on the development of work streams:

- a) Walsall - an overarching Low Emissions Strategy to reduce road transport emissions building on policies to avoid vehicle use and promote the shift to sustainable transport modes and also measures to accelerate the uptake of cleaner fuels and technologies;
- b) Coventry - Best Practice Guidance on the use of public sector procurement to reduce road transport emissions;
- c) Dudley - Best Practice Guidance on the use of the planning system to reduce road transport emissions; and
- d) Birmingham - feasibility of establishing Low Emissions Zones within the West Midlands urban centres based on a transferable model.

3.0 Low Emissions Strategy and Good Practice Planning and Procurement Guidance

3.1 Low Emissions Strategy

3.2 The overall goal of the Low Emissions Strategy (LES) will be to improve emissions and concentrations of NO₂ (together with fine particulates, which have a direct association with health impacts) through the transformation of the West Midlands vehicle fleet.

3.3 The LES has the potential to influence emissions of the proportion of the national fleet whose journey originates in, transits or terminates in the region, though it is acknowledged that transformation of the vehicle fleet will require the provision of low emission vehicle infrastructure and incentives for low emission vehicle take-up. Additionally, policies and measures that discourage the use of high emission vehicles are likely to be required to meet pollution reduction goals.

3.4 In taking this forward, the LES will look at the economic impacts and benefits of intervention policies. The LETCP will work in co-ordination with Local Enterprise Partnerships and Universities, reflecting the status of the region as a national centre for low emission vehicle research and manufacturing. In short, the LES

will act as a platform for inward investment for low emission vehicle demonstration and deployment.

3.5 Good Practice Procurement Guidance

3.6 Building on fleet management work at Coventry City Council, the guidance develops themes in green fleet procurement highlighting the following key policies and benefits:

- a) Local sourcing (reduced vehicle mileage)
- b) Sustainable fleet demonstration, specification and contract award criteria, including Government Buying Standards considerations
- c) Development of Whole Life Cost model, including damage costs of environmental impact
- d) Innovative procurement
- e) Development of public private partnerships

3.7 Good Practice Planning Guidance

3.8 Stemming from an innovative approach to planning at Dudley Council, this aims to develop clear and consistent policy across the West Midlands that is designed to:

- a) Protect residents of future development schemes from exposure to air pollution
- b) Provide simplified assessment criteria and definition of sustainability
- c) Incorporate mitigation as a standard aspect to certain development schemes in line with the National Planning Policy Framework to help counter cumulative impacts

4.0 Low Emissions Zone Feasibility Technical Study

4.1 The LETCP will consider measures to investigate the potential for introducing Low Emission Zones (LEZs). The technical study into the feasibility of creating a transferable LEZ model for the West Midlands was commissioned in March 2013. This will look at the potential impacts of available policy interventions in scenarios covering Birmingham City Centre, A456/A458 from Dudley to Birmingham (key inter-urban highways), Bearwood Road (congested street canyon) and the M6/M6 Toll (strategic motorway network).

4.2 The scope of the study incorporates assessment of the benefits and dis-benefits of emission control policies on principle vehicle types for each scenario, including cost benefit analysis and potential costing for implementing LEZ schemes as well

as a Health Impact Assessment (HIA) of the most effective intervention measures.

- 4.3 On behalf of the LETCP, AEA-Ricardo has been appointed as the consultant-contractor by Birmingham City Council, to undertake the technical study following complete interviews.

5.0 Timescales

- 5.1 A consultation exercise on the draft Low Emissions Strategy and Best Practice Guidance for both Planning and Procurement was undertaken from the 28 April to 10 June 2013. LETCP partners are now considering the responses and it is envisaged that that documents will be finalise in early Autumn 2013.
- 5.2 Work on the LEZs Technical Feasibility Study is scheduled to be completed by autumn 2013 and the findings will be reported and disseminated to Stakeholders in late 2013/early 2014.
- 5.3 The overall delivery for the 3rd Phase of the programme will run from Spring 2013 to December 2014.