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Low Emissions Strategy and Low Emissions Zone Feasibility Study

Ward(s) All

Portfolios: Councillor Adrian Andrew – Regeneration and Transportation

Executive Summary:

The Defra grant-funded Low Emissions Towns & Cities Programme (LETCP) has to date produced draft Good Practice Guidance related to planning and procurement and a draft Low Emissions Strategy which, together with a Low Emissions Feasibility study examining the impacts of key West Midlands road corridors, is intended to be published in the forthcoming months. To be delivered across three phases, the basis of this region-wide Programme is to assist in improving poor air quality that is attributed to vehicles. It is anticipated the Guidance will be finalised and published alongside a Low Emission Zone Technical Feasibility study towards the end of Spring.

The intention is to include LETCP initiatives within statutory Air Quality Action Plans, developed as a result of Air Quality Management Areas (AQMAs). AQMAs are implemented to aid in achieving national Air Quality Objectives and EU air quality Limit Values, that are designed to safeguard public health. LETCP initiatives are also to be used as a platform for developing supplementary guidance under the Black Country Core Strategy.

Reason for scrutiny:

To inform and update Members of progress on the West Midlands Low Emissions Towns and Cities Programme (LETCP) and associated Low Emission Zone initiatives.

Recommendations:

That:

1. Members note the report; and
2. Members continue to support and endorse the Low Emissions Towns & Cities Programme.

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 Phase 1. Further grant awards were subsequently secured 2011/12 and 2012/13 in the sums of £120,00 and £150,000 for Phases 2 and 3 respectively.

The part-time post of Regional Coordinator – Low Emissions Strategies that is hosted by Walsall and funded via the DEFRA grants is currently vacant. It is intended to appoint to this post as soon as practicable.

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:

Appraisal of air quality is mandatory, serving the purpose of identifying areas of where air quality is failing 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) from Walsall to Wolverhampton and Lichfield Road (A461).

As a result of statutory Air Quality Review and Assessment, Walsall, along with five other West Midlands authorities, have declared borough-wide Air Quality Management Areas and each faces the major challenge of tackling road 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 with 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 according to 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. These can 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 exercises which closed on 10 June 2013, comments from which have been reviewed by the LETCP Board for the purpose of finalising on behalf of West Midlands authorities.

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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 are obliged to undertake. The purpose of this is to demonstrate to central government what action is being taken to improve poor air quality in order to meet mandatory UK national and EU limits.
- 1.3 Across the West Midlands all authorities with the exception of Solihull MBC have accordingly declared borough-wide Air Quality Management Areas on account of elevated levels of Nitrogen Dioxide (NO₂). These stem from road vehicle emissions that are in breach of a UK national air quality objective and set in a countrywide context, outside of London the West Midlands conurbation has the worst NO₂ problems in the UK.
- 1.4 Since the UK is in breach of EU Air Quality Limit Values 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 levels of NO₂. A Supreme Court ruling on 1st May 2013 determined 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 therefore 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 areas.
- 1.5 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. Furthermore, parliament's Environmental Audit Committee (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.
- 1.6 The West Midlands urban area exhibits exceedances of EU Limit Values for NO₂ notably in the vicinity of key road networks. For cases where there are exposed populations in these areas, 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

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

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

- 2.1 LETCP is a partnership comprising the seven West Midlands local authorities working together to improve air quality and reduce emissions from road transport regionally. The intention is to do this by promoting 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.
- 2.2 LETCP is overseen by a Project Board comprising 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 was recruited to oversee the programme and progress work streams on behalf of West Midlands authorities. The Co-ordinator left the post at the beginning of December 2013 and the intention is to recruit to this position within the remaining budget at the earliest opportunity to ensure continuity in the work phases. In due course additional Defra funding (where available) may be sought to extend the post to assist with delivery and implementation of LETCP work outputs.
- 2.4 In addition, an independent low emission strategy specialist has been recruited to provide technical support with each work phase, including the preparation documentation on behalf of the LETCP.
- 2.5 Funding secured from Defra's⁴ Air Quality Grant scheme has broadly been apportioned as follows:
- 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, administered by 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 junctions for the M6 Toll road
 - III. A454 Wolverhampton Road /Black Country Route/Willenhall Road, Walsall to Wolverhampton
 - IV. A457 Sedgley Road/A459 Wolverhampton Road - Birmingham city centre to Wolverhampton
 - V. A4030 Bearwood Road
 - VI. A456 Hagley Road/A458 Halesowen Road - Dudley to Birmingham

⁴ Department for Environment, Food and Rural Affairs

- VII. A459 Cinder Bank/Halesowen Road, Netherton
- VIII. 4M bus route between Walsall and Brierley Hill
- IX. A4600 Walsgrave Road, Coventry

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 (also administered by Birmingham City Council) to include -

- I. the provision of further data concerning the West Midlands vehicle emission profile, traffic flows and forecasts, to be used as inputs to 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 LTP3 and findings of the LEZ Feasibility Study, to develop: 1) a bus emission strategy; 2) an emission agreement 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.

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

- a) Walsall - a 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. 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) is 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 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 approaches to planning development used by 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. Low Emissions Zone Feasibility Technical Study

- 4.1 The LETCP considers measures to investigate the potential for introducing Low Emission Zones (LEZs). A technical study into the feasibility of creating a transferable LEZ model for the West Midlands was commissioned in March 2013. This examines the potential impacts of available policy interventions in scenarios covering road networks detailed at 2.5 above.
- 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 were appointed as the consultant-contractor by Birmingham City Council to undertake the technical LEZ feasibility study. Following an initial draft report which set out the scope of work, further refinements have been incorporated following consultation comments submitted on behalf of LETCP authorities. In December 2013 a report detailing scenario modelling was prepared by AEA-Ricardo which is now to be evaluated by the LETCP Board.

5. 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 subsequently considered the responses and a final agreed draft of the Good Practice Planning Guidance (GPPG) was prepared for publication in November 2013.
- 5.2 A delay in finalising and publishing the GPPG has arisen due to objections raised in relation to Planning Policy among Black Country authorities. A general perception has been offered by a minority of Planning Officers that the GPPG will hinder regeneration schemes and impose undue restrictions on development. This is contrary to the intention, which is to facilitate an easier approach when dealing with legitimate matters of poor air quality through the application of best practice and use of appropriate low emission off-sets.
- 5.3 The GPPG is also intended to form the basis of an air quality Supplementary Planning Document (SPD) for the Black Country authorities and all efforts are therefore being made to reconcile the concerns of Planning Officers prior to publishing the Guidance.
- 5.3 Concerning the Good Practice Procurement Guidance (GPPC), Coventry City Council in conjunction with the retained independent low emission strategy specialist contractor is currently finalising the Procurement Guidance with a view to publication this summer.
- 5.4 The Low Emission Strategy as an over-arching document for the West Midlands is to be completed following publication of Good Practice Guidance.
- 5.5 The LEZs Technical Feasibility Study is scheduled to be completed during the Spring and the findings will be reported and disseminated to Stakeholders.

