

BRIEFING PAPER

SUBJECT: AIR QUALITY ACTION PLAN 2023 – 2028 ADOPTION
DATE: 15 DECEMBER 2022
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

1. A new Air Quality Action Plan (AQAP) has been produced for Southampton and is due to be presented to Cabinet on 20/12/22 with a recommendation for adoption and implementation.
2. Southampton City Council has a statutory duty to publish and maintain an Air Quality Action Plan to ensure statutory air quality limits are not exceeded. It has also set itself a broader ambition in its Our Green City Plan to deliver ongoing improvements in local air quality beyond such standards and the Plan demonstrates how this can also be achieved.
3. The new Air Quality Action Plan has been developed following a rigorous engagement and shortlisting process.
4. It includes 60 new measures which aim to bring about an improvement in the city's air quality over the next 5 years. It also sets out the 47 measures the Council is already implementing or have implemented.

Reasons for adopting an Air Quality Action Plan

5. Air quality remains the greatest environmental risk to health in the UK. Part VI of The Environment Act 1995 sets out the national air quality management framework. It broadly involves a requirement for local authorities to monitor and manage certain pollutants which may exceed national air quality objectives. This duty is referred to as the Local Air Quality Management (LAQM) regime.
6. In areas where persistent exceedances of objectives are monitored, Air Quality Management Areas (AQMAs) must be defined and established by the local authority. In local authorities where AQMAs are established, an Air Quality Action Plan (AQAP) must be adopted and updated regularly. AQAPs aim to demonstrate how the Local Authority will work towards compliance with air quality standards in its AQMAs. They also provide an opportunity to set out wider strategic measures. They offer an important policy tool for air quality and related agendas including sustainable transport and climate change, helping leverage funding opportunities, including the annual Defra air quality fund.
7. Southampton City Council (SCC) has declared 10 AQMAs (Annex 1) due to monitored exceedances of the national air quality objective for annual concentrations of Nitrogen Dioxide (40 ug/m³). The first AQAP was adopted in 2008 and later updated in 2009 to work towards addressing these exceedances.

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8. This original plan includes a number of measures to improve air quality including upgrades to public transport, shore side power for cruise ships, school and workplace travel plans and improvements to the council's own fleet. Most of these measures are now complete.

Reasons for updating the Air Quality Action Plan

9. The Council's last AQAP update was in 2009. Defra have indicated through feedback to recent Annual Status Reports that the AQAP is due for an update and new requirements under The Environment Act 2021 require an AQAP to be updated at least every 5 years.
10. In our Green City Charter, published in 2019 the Council made a commitment to deliver ongoing improvement in air quality, beyond statutory requirements, for the benefit of the city's residents. Our subsequent Green City Plan included a commitment to deliver an updated AQAP to reflect this.
11. Alongside the previous AQAP, the Council has also recently implemented a Local NO₂ Plan (2019-2022). The Local NO₂ Plan was introduced as a "non-charging Clean Air Zone" supported and funded by central government to help ensure that the city complied with European Union air quality standards. It introduced several large-scale measures including the Clean Bus Retrofit scheme and the Low Emission Taxi Incentive scheme which have been able to deliver improvements in air quality. More detail on the Local NO₂ Plan and how it related to the AQAP is available in the Full AQAP update document in sections 1.6.1 and 3.2.
12. The Council has now delivered its Local NO₂ Plan and are working with central government to evaluate its effectiveness. This process is likely to conclude in Spring 2023. The outcome of this may be that further measures will be funded through the government's Clean Air Fund to ensure compliance is maintained.
13. With The NO₂ Plan concluded and the previous AQAP in need of an update there's a need for a new air quality policy which will set out the long-term approach the Council will take to secure further improvements in the city's air quality.
14. An update is also needed to capture current air quality projects not yet associated with the policy including the air quality engagement programme and the e-taxi and van trial scheme. The update will also be helpful in setting out the work other service areas are undertaking which also brings about improvements in air quality.
15. The new Environment Act (2021) will introduce stricter air quality objectives for Particulate Matter pollution, including an exposure-based target. These objectives were due to be announced and adopted in October 2022, however this has been delayed to an unknown date.
16. New measures in the plan can be proactive and anticipate changes in policy. The Act also provides new powers to local authorities to tackle emissions which will make further measures possible, and stricter deadlines for updating AQAPs.

How measures were identified for inclusion in the Plan

17. Measures in the plan have been selected through a process of long listing opportunities and then shortlisting, whereby cost-effective and feasible measures have been prioritised. Full detail on this process is set out in Appendix 2 of the full AQAP update.

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18. The process included a stakeholder engagement exercise to identify options and, later, the developing AQAP was the subject of a public consultation exercise. Details are included in the 'Consultation and engagement' section of this report and full detail is provided in appendix 3 of the Air Quality Action Plan document.
19. Many of the measures in the plan are already funded or have an identified funding route. The few measures which are not yet associated with funding are included to set out where the Council would like to secure additional funding if it were made available.

Priorities

20. In total 60 new measures not previously included in air quality policy are set out in the plan to be delivered or initiated in the next 5 years. 22 of these measures are not yet funded, 6 are partly funded and the remaining 32 are fully funded.
21. The Action Plan breaks measures down into five key priority areas. These were established through discussions with other officers and through the public engagement exercise. The priority areas are:
 - a. Empowering Communities – public engagement and behaviour change measures – 13 new measures
 - b. Supporting Businesses – measures targeting freight and providing incentives to businesses – 9 new measures
 - c. Active and Sustainable Travel – encouraging modal shift through infrastructure and engagement – 9 new measures
 - d. Low and Zero Emission Vehicles – hybrid, electric and other alternatively fuelled vehicles - 15 new measures
 - e. Monitoring and Planning – measures which help ensure the long-term effectiveness of the plan through improving our monitoring network and/or ensuring future developments are in line with air quality policy – 14 new measures.
22. In addition to these 60 new measures, the existing 47 measures which have already been implemented or are being implemented are also presented in the AQAP. These are the measures air quality officers already report on through Annual Status Report submissions.

Consultations and stakeholder engagement

23. Annex 2 sets out consultation undertaken, and stakeholders engaged in those consultations.
24. Annex 2 also shows which statutory consultees engaged as per the relevant Defra guidance. Where responses were received, these have been integrated into the action plan. This includes a response from Defra who have approved the plan subject to minor amendments which have now been made.
25. The engagement survey aimed to identify types of measures which members of the public would be most supportive of. Results are provided in Annex 3.
26. The Council received responses from 128 residents through the full statutory consultation culminating in 260 comments providing feedback on the proposed measures as well as suggestions for new ones. Responses largely centred around

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electric vehicle (EV) infrastructure, public transport, congestion, and cycling infrastructure. Members of the public were generally supportive of the plan with 78% of responders expressing their support.

27. As well as comments in support of the plan, around 40 comments were made which requested further action. These were mostly related to pedestrianisation, HGV movements, park and ride and wood burning.
28. These suggestions were evaluated and, when found to be cost-effective and feasible, were added to the shortlist as new measures. Minor amendments were also made to several measures to capture the changes members of the public would like to see not previously set out in the plan.
29. Further detail on the changes made as a result of consultation is available in Appendix 3 of the Air Quality Action Plan document.
30. In addition, where suggested measures were not taken forwards, these have been addressed and are available in Appendix 4 of the Air Quality Action Plan document.
31. General comments not associated with a new suggestion were also gathered. The main themes in these comments were regarding concerns about barriers to taking up an electric vehicle, concerns about charging zones and concerns about Southampton Airport and the port. These have each been noted and investigated, none were deemed to justify further changes to the plan.

Next Steps

32. The AQAP and supporting documentation provided with this paper are to be presented to Cabinet on 20/12/22 with the following recommendation:

(i)	To formally adopt and implement the Air Quality Action Plan update as presented in Appendix 1.
(ii)	To delegate authority to the Director of Environment to introduce future revisions, including making minor amendments following consultation with the Cabinet Member Housing and the Green Environment and S151 officer, so that the plan is able to respond to both national and local changes.

Alternatives Considered

33. Delay adoption of the provided version of the AQAP:
 - Benefits - More time to review and amend the plan including incorporating any known changes as a result of the Local NO₂ Plan review (in approximately 6 months' time).
 - Risks/reasons rejected - Slower adoption of plan and benefits realisation, potential for escalation process from Defra including warning letters and eventually ministerial intervention under Environment Act 2021.
34. Do not progress with the update to the AQAP:
 - Benefits – No reputational risk from poor feedback to the plan.
 - Risks/reasons rejected – Non-compliance with expectations from Defra and potential for warning letters and ministerial intervention, multiple missed opportunities to align plan with other policy, no benefits realisation from plan including potential for missed funding opportunities.

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35. Delay approval of the provided version of the AQAP update and reduce the number of actions to those which are either already committed or are considered most likely to be fully funded in the period of the plan:

- Benefits – Less likely to be perceived as under-delivering at the end of the plan's implementation period.
- Risks/ reasons for rejecting – plan may be seen as lacking ambition and not willing to address opportunities which the shortlisting process suggests could be effective, could risk future funding opportunities if bid cannot reference policy.

Delegated powers for minor amendments

36. This Air Quality Action Plan update will cover a five-year period as required by The Environment Act 2021. To ensure the Plan offers a complete and up to date picture of the council's duties and activities over that period it may be useful to make minor amendments to reflect changes in council and central government priorities.

37. Minor amendments are considered those which:

- Include changes to the contextual information e.g. new legislation, Council policy.
- Addition of new measures or amendment of existing measures which does not significantly affect the overall policy direction of the plan.

38. Several minor changes may be required over the course of the five years to ensure the plan remains consistent with current policy. If each needs to be presented to Cabinet Members, this could present a disproportionate burden on officer and councillor time and resource.

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Resource

39. No new resource is required to implement the AQAP. Three air quality posts exist in the Sustainability Team to support air quality related activities – one project lead, one support officer and a new sustainable schools engagement officer who will later lead on wider engagement.

40. Existing funding for current roles is from a combination of central government funding and committed Green City revenue. As far as possible, future grants will include funding for officer time where not yet covered by grant funding. Currently, 80% of the air quality lead role is financed through grants and 100% of the school's role will also be grant funded. The support role has recently become vacant and is under review pending outcomes of the Local NO₂ Plan and implications for funding.

41. The measures presented are not considered unrealistic to implement with current resource. Funding opportunities can also be utilised to fund resource and delivery partners if projects are found to be beyond the scope of current officers.

Policy

42. The AQAP update and related consultation has strong strategic alignment with SCC policies, namely:

- Our Green City Charter Plan
- 2009 Air Quality Action Plan

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- Southampton Health and Wellbeing Strategy 2017-2025
- Clean Air Strategy 2019-2025
- Connected Southampton 2040 Local Transport Plan

43. The plan will form a new piece of policy which future projects, bids and policy will refer to, helping build the case for further funding and action.

44. The AQAP update includes no new commitments for stricter targets to be met. These are already established through Our Green City Charter.

Financial

45. None of the measures presented are associated with a cost to the Council's budget. Shortlisted measures either have existing funding, potential for future funding, or can provide a revenue stream to offset any cost to the Council.

Legal

46. Updating the AQAP is a requirement for local authorities under Part IV of The Environment Act 2021 and the LAQM regime.

47. The Council are required to update the AQAP at least every 5 years under the Environment Act 2021. Failing to do so may result in a ministerial direction.

48. In producing an AQAP the council is required to have regard to the impact of the plan on those with protected characteristics under the Equalities Act 2010 and to prepare the plan in accordance with its duty under s. 149 (public sector equality duty) and the need to have regard to eliminating unlawful discrimination, harassment and victimisation of those with protected characteristics. An EISA has been carried out to support this duty. In addition to these duties the council has had regard to the impact of the proposals on property rights under Article 1 of the First Protocol of the Human Rights Act 1998 which prevents placing restrictions on use or otherwise impacting on the use of property (by declarations of AQMA's for example) without first having demonstrated that the restrictions or requirements are lawful and in the public interest / proportionate to the environmental harm the restrictions are required to address.

RISK MANAGEMENT IMPLICATIONS

49. There are reputational risks for SCC associated with not fully implementing all the commitments made in the Clean Air Strategy and Air Quality Action Plan. This may be the case if measures set out in the plan do not have an associated funding commitment. As discussed, measures presented in the plan are deemed to be a good balance between realistic and ambitious. In addition, Defra guidance suggests that measures which aren't yet funded should be included in the plan instead of not being included.

50. The most recent responses from Defra regarding our ASRs highlighted the need for an updated AQAP to be updated, that same need had been included in the Green City Plan.

51. Although it would have been preferred to update the plan in 2020/21 to better meet Defra's expectations, delay in development of the plan has been necessary for several reasons. These include the need to finalise and evaluate the impact of the Local NO₂ Plan during the COVID19 pandemic, as well as understanding how longer-term travel

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behaviours may affect future concentrations, and to account for two changes in administration and related priorities.

52. Now that these factors have been addressed, it is important that this version of the AQAP is adopted promptly to avoid further reputational risk and potentially action from Defra if further delay is experienced.

53. It should also be noted that “*Failure to ensure delivery of statutory air quality standards*” as well as “*Failure to deliver the key actions and commitments to address climate emergency and biodiversity crisis, as set out in the Green City Charter*” both feature on the Council’s Strategic Risk Register which is reviewed on a quarterly basis by the Executive Directors via the Finance, Commercialisation and Performance Board.

Appendices/Supporting Information:

Annex 1: Southampton City Council AQMAs

Annex 2: Consultation Summary

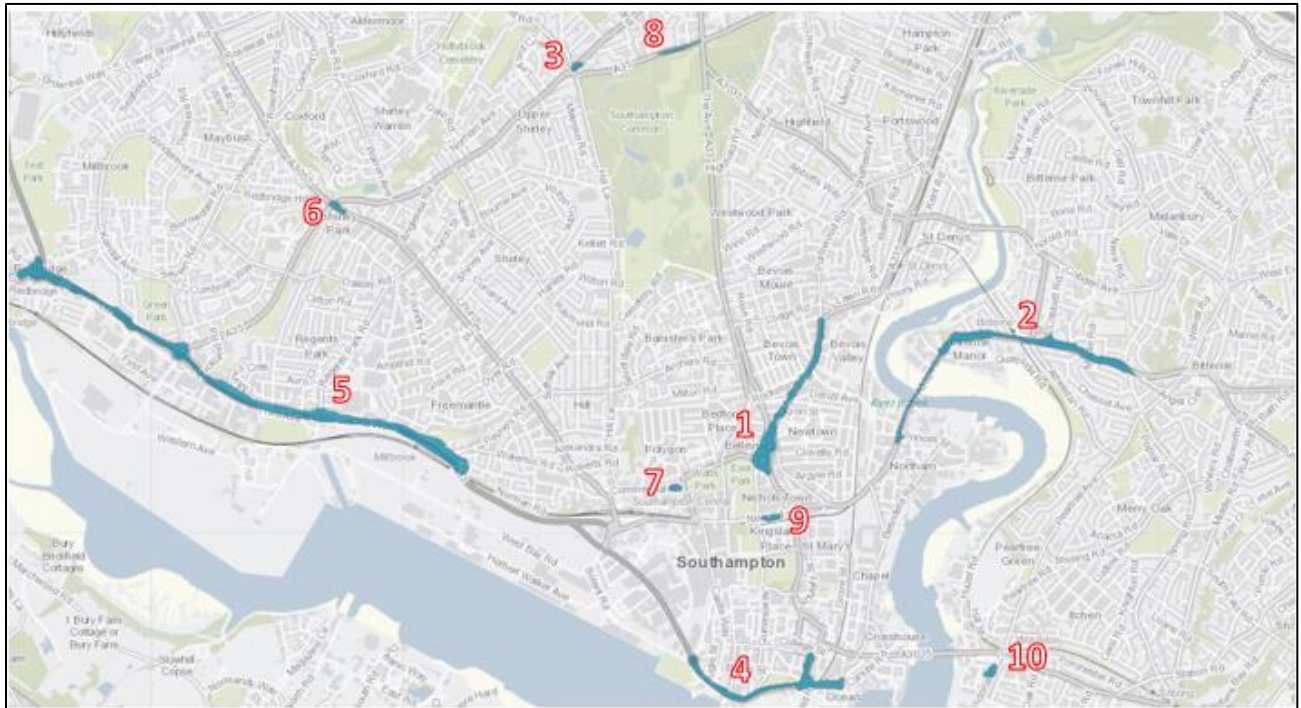
Annex 3: Engagement exercise results

Annex 4: Southampton City Council Air Quality Action Plan 2023 – 2028

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Annex 1: Southampton City Council AQMAs



AQMA Number	AQMA Name
1	Bevois Valley Road
2	Bitterne Road West
3	Winchester Road
4	Town Quay
5	Millbrook and Redbridge Road
6	Romsey Road
7	Commercial Road
8	Burgess Road
9	New Road
10	Victoria Road

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Annex 2: Consultation summary

The below table sets of what consultation was held with what consultees and when.

Consultation	Stakeholders engaged	Duration
Internal consultation	SCC relevant officers including Steering Group	25 th May 2021 - 11 th June 2021 (2 weeks)
Engagement survey	Southampton residents and relevant public bodies	9 th September - 30 th September 2021 (3 weeks)
Councillor workshop	Cabinet Member for Environment and Cabinet Member for Growth	18 th January 2022
Officer workshop	Key officers relevant to projects	25 th April 2022 – 3 rd June 2022 (5 weeks)
Formal consultation	Southampton residents, consultees listed in Table 4.1.	June 16 th – 28 th July 2022 (6 weeks)

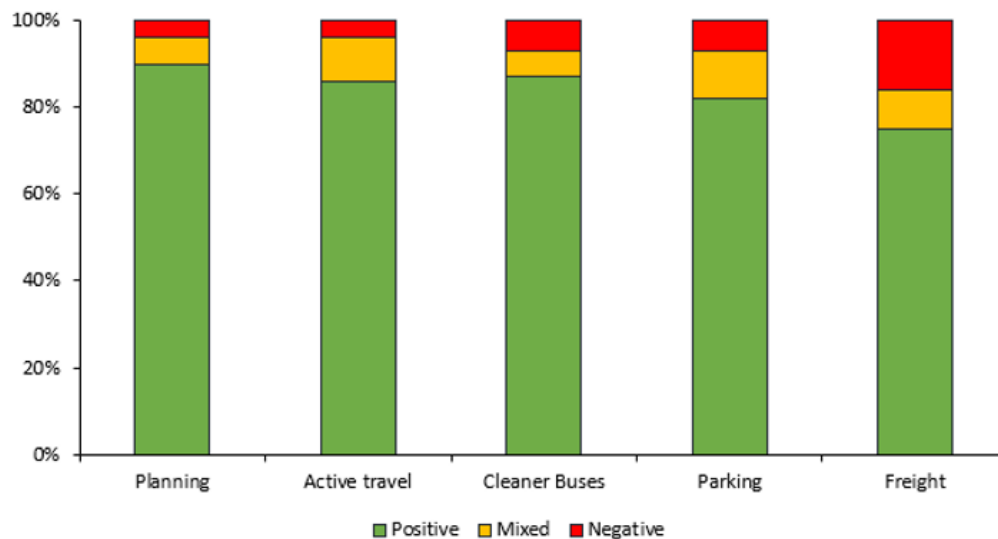
The below table sets out the statutory consultees engaged with for which responses were received from.

Yes/No	Consultee	Response received
Yes	the Secretary of State	Yes
Yes	the Environment Agency	Yes
Yes	the highways authority	No
Yes	all neighbouring local authorities	No
Yes	other public authorities as appropriate, such as Public Health officials	No
Yes	bodies representing local business interests and other organisations as appropriate	Yes

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Annex 3: Engagement exercise results

The engagement survey aimed to identify types of measures which members of the public would be most supportive of. The graph below shows what type of measures residents were most supportive of. The colours denote the type of response received – green is positive, amber is mixed or neutral and red it negative.



Least popular classes of measures included those supporting the shift to EVs (43% positive, 36% mixed and 31% negative), homes (55% positive, 8% mixed and 37% negative) and working with the health sector (61% positive, 5% mixed and 34% negative).

Many of the negative comments around EV and homes related to the cost of cleaner technologies which respondents didn't want to be forced to adopt.

This response was incorporated into the final shortlist presented in the statutory consultation.