

Teignbridge District Council

Executive

10th September 2024

Part 1

REVISION AND REPLACEMENT OF CURRENT AIR QUALITY ACTION PLAN (2009)

Purpose of Report

To consider the updated Air Quality Action Plan and approve the actions to reduce the levels of Nitrogen Dioxide within the Air Quality Management Areas to below the national objective.

Recommendation(s)

The Executive is recommended:

To approve the revised Air Quality Action Plan (2024-2029)

Financial Implications

The potential financial implications are detailed in 3.1 below.

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Legal Implications

As detailed in the report.

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Risk Assessment

See section 3.3 below

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Environmental/ Climate Change Implications

See section 3.4 below.

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Committee

Date of meeting

Report Author

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Executive Member

Cllr Peter Williams
Executive Member for Recycling, Household Waste & Environmental Health

Appendices/Background Papers

App 1 – Draft Air Quality Action Plan 2024
App 2 – Appraisal response from Defra dated August 2024

1. Introduction/Background

1.1 Air Quality Action Plans

The primary objective of an Air Quality Action Plan (AQAP) is to deliver compliance with the national objectives for local air quality and the revocation of any Air Quality Management Areas (AQMA's) that have been declared as a result of those national objectives being exceeded in those areas.

A secondary but equally important objective of an AQAP is to reduce wherever possible the exposure of people to poor air quality, to improve human health for the wider population and reduce the financial consequences it brings.

1.2 Statutory duty to revise.

As part of the Council's statutory duties required by the Local Air Quality Management framework, this revised Air Quality Action Plan (AQAP) will replace the current AQAP which was originally approved by Executive in March 2010.

The original AQAP contained a list of measures numbering 106 in total. Whilst many of these measures have been implemented, many also were essentially aspirational. Since then, DEFRA has required that such measures have to be more specific and targeted, with priority be given towards those measures that can deliver the most benefit in the shortest time frame possible.

So, from the consultations and revision undertaken, the original list of 106 has been distilled down to 26 targeted measures, each ranked in terms of the likely health benefits delivered, cross referenced with the likely costs and timescales for delivery.

1.3 Consultation

Face to face consultations were held internally with key officers and externally with key partners including the relevant town councils. This process will be

ongoing with the implementation of this action plan, developing the business cases to deliver these measures.

1.4 Collective duty for Delivery

It has to be recognised that there are many policies that are beyond this Council's direct control, but yet will have the capacity to influence local air quality and assist in delivering some of these actions, in particular the traffic related policies of Devon County Council, traffic pollution being the main contributor.

In 2021 the duty of County Council's to collaborate with district councils on air quality was strengthened with the Environment Act 2021, by making the wording clearer to avoid ambiguity.

Indeed Teignbridge, in keeping with **Local Air Quality Management Statutory Policy Guidance PG22**, look forward to working closer wherever possible with Devon County Council and the Director of Public Health to develop and influence such policies and funding that can deliver the positive impacts needed on local air quality in the Teignbridge district.

2. Implications

Once approved there will need to be a detailed scoping exercise, working with government partners in particular Devon County Council and the Director of Public Health to produce a fully costed business case for delivering these measures and where possible identify funding for their delivery.

3. Risk Management

3.1 Financial

The potential financial implications are referenced in the AQAP as broad costings, and so would be subject to further detailed costing to provide a business case as and when funding opportunities become or are made available. This report makes no financial commitment.

3.2 Legal

Under section 83 of Part IV of the Environment Act 1995 district councils required to designate an Air quality Management Area (AQMA) when the review and assessment that it has carried out indicates that national air quality objectives are not being achieved

Where an AQMA has been declared, it is a legal requirement to produce an Air Quality Action Plan (AQAP).

Specifically, under section 83A of the same act, as amended by the Deregulation Act 2015 - Part 4 of Schedule 13, it states that once an AQMA has been designated the district council shall prepare an AQAP that sets out

how it will achieve the air quality standards or objectives for the area that it covers. The district council shall provide information on the timescales for the achievement of these measures.

3.3 Risks

Air quality is a public health issue. The duty upon local authorities with government partners including the Director of Public Health and the County Council to actively pursue measures to remove the adverse impacts of poor air quality on human health has become even more apparent, in the light of recent court cases that demonstrate harm being due to inaction on the part of government organisations.

3.4 Environmental/Climate Change Impact

The reduction of air pollution and the exposure of communities to it will inevitably contribute to a reduction in impact upon climate change.

4. Alternative Options

The duties upon the Council referenced above are not transferable and cannot be delegated. Failure to provide a duly revised action plan and pursue its delivery ultimately would lead to a ministerial letter, known as a Section 85 direction.

Appendix 1 – Draft Air Quality Action Plan (2024-2029)

Appendix 2 – Appraisal response from Defra dated August 2024