

Overview and Scrutiny Management Board Supplementary Information



Date: Friday, 24 April 2020

Time: 11.30 am

Venue: Remote Access - Remote Access

Distribution:

Councillors: Geoff Gollop (Chair), Celia Phipps (Vice-Chair), Stephen Clarke, Claire Hiscott, Paula O'Rourke, Jo Sergeant, Brenda Massey, Anthony Negus, Jeff Lovell, Mark Brain and Lucy Whittle

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Supplementary Agenda

8. Clean Air Zone (to follow)

This report will follow on 20th April, after the publication of the papers for the 28th April Cabinet meeting.

(Pages 1 - 32)



Decision Pathway – Cabinet Report

PURPOSE: Key decision

MEETING: Cabinet

DATE: 28 April 2020

TITLE	Clean Air Zone Project update
Ward(s)	City wide
Author: Adam Crowther	Job title: Head of Strategic Transport
Cabinet lead: Mayor	Executive Director lead: Mike Jackson, Executive Director of Resources and Head of Paid Services
Proposal origin: <i>Other</i>	
Decision maker: Mayor Decision forum: <i>Cabinet</i>	
<p>Since submitting our Outline Business Case to Government in November, council officers have made significant progress in continuing the technical assessment of our preferred option and alternatives, working closing with JAQU. This further work has identified the potential to bring forward compliance to 2023, and therefore earlier improvement in air quality and the health of Bristol residents. However, At the time of authoring the report, there are new rules that have been provided to every citizen of the United Kingdom from the Government regarding staying at home and away from others in order to restrict the spread of COVID-19.</p> <p>It is impossible to ignore the impacts of the pandemic and associated restrictions in establishing a sensible way forward for a CAZ in Bristol.</p> <p>These restrictions include:</p> <ul style="list-style-type: none"> • Requiring people to stay at home, except for very limited purposes. • Closing non-essential shops and community spaces • Stopping all gatherings of more than two people except where there is a gathering of people who live together or where the gathering is essential for work purposes but all workers should be trying to minimise all meetings and other gatherings in the workplace. <p>On the 13 March 2020, Government issued Bristol City Council with a Direction regarding the implementation of the Clean Air Zone in Bristol. The detail can be found in Appendix A.</p> <p>We understand and fully support the moral, environmental and legal imperative to achieve clean air compliance and are as committed as ever to achieving this. Given the circumstances that are presenting regarding COVID-19, we know that this will affect the implementation timeline within the Direction and in which the Clean Air Zone can now be delivered, and that being able to comply with the Direction in a practical delivery sense is now extremely unlikely. JAQU are considering this from a national perspective and officers are working with JAQU to consider how this will impact us locally and await new guidance from the Government.</p> <p>In addition to this, Mayor Rees has also written to the Rt. Hon Grant Shapps MP, Secretary of State for Transport to bring this matter urgently to his attention and to urge the Government to rethink the implementation of Clean Air Zones and the disastrous effect that complying with the timeline, as set out within the legal Direction, will have on businesses in Bristol during this unprecedented time of uncertainty for them. As a pragmatic approach, it has been recommend to Government that we continue with the planning and development work in order to meet the requirements within the Direction but have urged the Government to rethink how our scheme might be discharged in a way that will protect businesses from being further financially penalised.</p>	

JAQU have responded seeking guidance from authorities about any potential delays that may occur and we have provided a response.

JAQU have also issued a statement from the Joint Heads of Department stating that no Clean Air Zones will be implemented before January 2021. This statement applies to the few other authorities who are ahead of Bristol in the process and were due to be going live with their CAZ's later this year, however acknowledges that delays will occur.

Officers will continue to work with JAQU to further understand what delays are likely and are asking Government for clarity on this, specifically for Bristol. We will however endeavour to be seeking the best and most suitable approach for the implementation of Bristol's Clean Air Zone to ensure that we reach compliance in the shortest possible time, taking into account COVID-19, whilst at the same time protecting vulnerable and low income households as well as the most appropriate approach for businesses in the City.

Timescales:

- Outline Business Case approved by Cabinet Thursday 5 November 2019
- Outline Business Case submitted to Government, following cabinet approval
- Full Business Case to be submitted to Cabinet September 2020 as per the legal Direction received from Government

Purpose of Report:

1. To provide an update on the development of the traffic Clean Air Zone (CAZ) project since the submission of the Outline Business Case on 5 November 2019
2. To provide information about the new ministerial Direction issued by the Government on 13 March 2020
3. To note that the Government Direction requires the Council to implement a Medium CAZ Class C in the wider central area of Bristol with additional measures to be determined, as detailed in Appendix A and further confirmed within the ministerial letter in Appendix A
4. To note the timeline within the Direction from Government for delivery of a Full Business Case (FBC) submission on or before 18 September 2020
5. To approve the receipt of funding of £12million from Government (Department of the Environment, Fisheries and Rural Affairs - DEFRA) for the implementation of the CAZ Class C
6. To continue with the design, procurement, and implementation of a Medium CAZ Class C in Bristol as set out in the Direction received from Government in advance of Full Business Case (FBC) submission in September 2020, whilst also recommend to the Government that they reconsider the 'go-live' date of the scheme in April 2021, in order to mitigate the impact on organisations and businesses in Bristol due to the actions that have been taken due to COVID-19
7. To approve receipt of £1.25million additional scheme development funding from Government (DEFRA) through to FBC, in addition to the £2million approved previously
8. To recognise and highlight that the circumstances regarding COVID-19 currently remain unquantifiable in terms of risk to this project due to the changing environment that we are operating in, and that this will require continual review by officers from the Joint Air Quality Unit (JAQU) and Bristol City Council

Evidence Base:

Background

Pollution from traffic is a serious problem in Bristol and other major UK cities. The central areas of the city and the main arterial routes have been identified for a number of years as being in breach of the legal levels of Nitrogen Dioxide (NO₂) set by the UK and the EU. Our own reports have calculated that deaths of around 300 Bristol residents could be attributed to air pollution each year.

Due to the need to improve air quality in urban areas nationally, the Government in 2017 formally directed 24 local authorities, including Bristol City Council, to:

- submit plans for how they will achieve compliance to the legal Nitrogen Dioxide (NO₂) limits
- explain how they would implement these plans by March 2021.

Local authorities are required to model various options for achieving clean air and to take forward the option that delivers compliance using the following three legal tests:

1. Achieves compliance with the legal NO₂ limits in the shortest period of time.
2. Reduces human exposure as quickly as possible.
3. Ensures that compliance is not just possible but likely.

We are committed to delivering an option that complies with the legal tests while at the same time seeking to put in place measures that will mitigate any disproportionate adverse impact on vulnerable citizens and low income households. To develop Bristol's proposed option, our officers have been working with officials from the Government's Joint Air Quality Unit (JAQU).

The proposed option that was put forward in the Outline Business Case on November 2019 is a Hybrid scheme that involves a combination of schemes referred to as option 1 and option 2 in previous reports.

Our modelling and the analysis available at that time identified that the Hybrid would achieve compliance with the legal NO₂ targets in line with the legal tests. In particular, the Hybrid would achieve compliance in the shortest possible time, earlier than the benchmark option known as a medium CAZ D. It would also achieve the greatest reduction in emissions in the long term, as well as reducing human exposure earlier than all other options. In particular, for the majority of sites, exposure will be reduced sooner than 2025.

On 5 November 2019 Cabinet approved the submission of an Outline Business Case (OBC) for the Hybrid option to Government (DEFRA).

The submission comprised the following components:

- Option 1 –Medium CAZ C, charging non-compliant buses, taxis, HGVs and LGVs, with additional measures. This charge applies once a day regardless of how many times a vehicle moves in or out of the medium zone. Private vehicles are not charged to enter the Class C Clean Air Zone area
- Option 2 – a small area diesel car ban enforced between 7am to 3pm. This means that all non-compliant commercial vehicles that have paid to enter the wider Clean Air Zone will be able to enter the diesel ban area at no extra charge. Private diesel cars will not be able to enter the diesel ban zone between 7am and 3pm. They cannot pay to enter it during this time and, if not in receipt of an exemption, will be fined if they do enter.

Some changes were subsequently made to the diesel ban zone boundary following consideration of the wider impacts. The movement from the A370 to the A4 and vice versa, and access to Cabot Circus Car Park from the M32 were both allowed and a new model run carried out. This model run also included removal of the weight restriction on Upper Maudlin St as this was felt to be undeliverable and unenforceable. The revised modelling indicated that while air quality improvement declined slightly from the original Hybrid scheme, the change was limited and the compliance year remained the same.

Current Position

In response to the submission of the OBC and the ongoing work that has been undertaken as set out above, Bristol City Council has now received a formal Direction from the Government, as set out in Appendix A, but in summary:

Duty to implement the local plan for NO₂ compliance.—(1) *The authority must take steps to implement the local plan for NO₂ compliance for the areas for which it is responsible. (2) The authority must ensure that the local plan for NO₂ compliance is implemented so that— (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2023 at the latest; (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.*

Duty to submit additional documentation

4.—(1) *The authority must submit to the Secretary of State further options appraisal (including transport, air quality and economic modelling and must include consideration of the financial and delivery detail of any options modelled) by 10 April 2020 at the latest, in order to provide assurance that the local plan for NO₂ compliance will deliver compliance in the shortest possible time and by 2023 at the latest. (2) The revised air quality modelling provided under paragraph (1) must demonstrate the applicable class of charging Clean Air Zone, appropriate behavioural assumptions, and what (if any) additional measures, or adjustments to the local plan for NO₂ compliance would need to be implemented by the authority to deliver compliance in the shortest possible time.*

Duty to prepare and submit a full business cases

5.—(1) *The authority must as part of its feasibility study continue with the work necessary to prepare a full business case for the area for which it is responsible. (2) The full business case must be submitted to the Secretary of State as soon as possible and by 18 September 2020 at the latest.'*

In addition to the formal Direction received, the Rt. Hon Rebecca Pow MP wrote to Mayor Rees on the 13 March 2020 stating the following:

To ensure delivery of NO2 compliance in the shortest possible time, I attach to this letter a Ministerial Direction requiring Bristol City Council to:

- *Implement a charging Clean Air Zone Class C with additional measures as soon as possible and at least in time to bring forward compliance to 2023. I expect this to begin to be in place by 1 April 2021 at the latest; and*
- *Submit to JAQU a Full Business Case by 18 September 2020 at the latest.*

'In the event that your preferred option of a medium CAZ C with additional measures, which could be either a diesel ban or small area CAZ D, is either not deliverable or is shown through further modelling to not deliver compliance in the shortest possible time, I expect you to pursue an alternative option for compliance, including a medium size class D CAZ.'

It is important to note that since receiving the Government Direction and letter from the Rt. Hon Rebecca Pow MP on the 13 March 2020, the situation regarding COVID-19 has escalated considerably and continues to do so, on a daily basis.

We know that this will affect the timeline within the Direction and in which the Clean Air Zone can be delivered, and that being able to comply with the Direction in a practical delivery sense, including engaging with businesses about potential concessions and mitigations, is now extremely challenged. Officers are working with JAQU to consider this and await new guidance from the Government.

In addition to this, businesses in Bristol are already being hugely and significantly impacted by the restrictions that have necessarily been put in place due to COVID-19 and many businesses in the city are becoming untenable. The implementation of a charging CAZ that commences in April 2021, as directed by the Government. will mean that a huge number of businesses will be significantly financially impacted. Many SMEs, while grateful for the lifeline that is the Business Interruption Loan Scheme, are understandably extremely concerned about their futures during this time. It is important that we work with Government to ensure that they aren't burdened any further during a time of huge economic uncertainty and financial precariousness.

JAQU has already committed funding for us to plan and implement the first phase of the scheme (the medium area CAZ Class C). Rather than progressing ahead towards full implementation a letter has been written to Government to recommend that we continue with the planning and development work in order to meet the requirements within the Direction but are urging the Government rethink how the CAZ schemes might be discharged in a way that will protect businesses from being further financially penalised.

JAQU have now written to all authorities seeking information about any potential anticipated delays to the delivery and implementation of the Clean Air Zone programmes and have requested a response from all authorities. However, given that the Country as a whole is currently under Government instructions regarding COVID-19 along with the position relating to the duration of the current Lockdown and any future measures that may be placed upon the UK, it remains impossible at this stage to predict how the effects will influence the delivery of the Clean Air Zone Programme and what any future delays may be. We will continue to work closely with JAQU on this matter and respond to any clarity that they can bring to us.

In addition to this, on Tuesday 9 April, JAQU issued a statement from their Joint Heads of Department (Andrew Jackson, Isobel Pastor and Suzanne Trueman, Joint Heads of JAQU) to partners, professional bodies, private sector organisations which included stating that *'In order to provide certainty to those affected by Clean Air Zones, we will work with local authorities to delay introducing Clean Air Zones until after the Covid 19 outbreak response. We will keep the timetable under review but we expect the introduction of Clean Air Zones to be no earlier than January 2021, and we will keep any delay as short as possible.'*

This new statement applies to the few other authorities who are ahead of Bristol in the process and were due to be going live with their CAZ's later this year, having already suffered delays due to the online charging system being implemented by Government not being ready to operate. JAQU's announcement confirms that there will be delays in the delivery of the Clean Air programme. We will continue to work with JAQU to further understand what this means specifically for Bristol and will endeavour to seek the best and most suitable approach for the implementation of Bristol's Clean Air Zone, our businesses and residents.

While we recognise our duty to implement clean air in the shortest possible time, it is important to stress that we also have a duty to support our city's economic prosperity and the COVID-19 crisis means that supporting businesses meaningfully is a huge challenge for everyone but absolutely essential.

Funding

Following receipt of the direction from JAQU, £1.25m further funding is required to complete the FBC by September 2020. We have agreement in principle, in writing, from JAQU to the Executive Director of Resources agreeing the additional funding.

Forecast expenditure required to enable completion of the FBC, over and above the £2m already agreed is £1.25m, giving a total spend of around £3.25m. Cabinet is therefore asked to approve spending the additional £1.25m that will be funded by JAQU.

In order to fund the work required to undertake the implementation of the Government's direction regarding a 'CAZ C Charging Clean Air Zone Class C with additional measures' JAQU will provide funding ahead of the FBC submission to begin implementation of the above mentioned zone. This is for £12m based on capital and operational estimates submitted in the OBC (Cabinet is asked to approve receipt of the funding for this purpose).

As part of the FBC for the final Clean Air Zone scheme, we are developing a range of mitigation measures to support Bristol businesses and residents impacted by the scheme that will be funded by the Government.

The Ministerial letter (attached in Appendix A) acknowledges the need for the Government to support mitigations for individuals, businesses and drivers most affected and to provide assistance to make the change to complaint vehicles.

Mitigations that are being considered include but are not limited to: provision of grants and loans to residents and local businesses to replace non-compliant diesel vehicles; concessions for blue badge holders, low income families and emergency vehicles; cycling, walking, bus and traffic management infrastructure schemes; further sustainable travel choice programmes.

The potential impacts of these mitigations and concessions are in the process of being reviewed and considered as we further understand the effects and future impacts of COVID-19. Businesses in Bristol are already being hugely impacted by the restrictions placed upon the UK as a whole and we need to make sure that the implementations of the CAZ Class C or any additional measures don't add a further unmanageable burden upon them. We will continue to work with Government on this matter and urge them to rethink the 'go-live' date for Bristol within the Direction.

Positive engagement has also been taking place with colleagues from the University Bristol NHS Trust to review and develop appropriate concessions and mitigations in relation to hospital visits. A key part of the next stage of the programme requires engagement with businesses about mitigations and exemptions, however given the situation with COVID-19 and with social distancing conditions in place at this time; this is not currently practical to carry out.

Cabinet Member/Officer Recommendations:

That Cabinet;

1. Note the Direction dated 13 March 2020 and accompanying letter from Rt. Hon Rebecca Pow MP (Appendix A) which includes a requirement for Council to implement a Medium Clean Air Zone Class C, as set out in the OBC and previous Cabinet report
2. Approve receipt of and authorise spend of £12m funding from the Joint Air Quality Unit for delivery of the of the Medium Clean Air Zone Class C, as Directed by Government
3. Approve receipt of £1.25m additional funding and authorise spend of the Grant on further scheme development through to delivery of the Full Business Case
4. Note the revised timeline within the Direction for delivery of a Full Business Case submission before 18 September, 2020
5. Authorise the Executive Director for Resources, in consultation with the Mayor, to proceed with and make operational decisions regarding the planning and development of the Full Business case for the CAZ, including working with Government to rethink the timeline for the proposed 'go-live' date that is currently set for April 2021 in order to support and protect businesses in Bristol
6. Note that the circumstances regarding COVID-19 currently remain unquantifiable in terms of risk to this project due to the changing and unpredictable environment that our country is facing and accept that this will inevitably affect the overall timeline for implementation of the CAZ.

Corporate Strategy alignment:

The Corporate Strategy 2018-2023 commits the City Council to: "Keep Bristol on course to be run entirely on clean energy by

2050 whilst improving our environment to ensure people enjoy cleaner air, cleaner streets and access to parks and green spaces.”

This project also supports our vision to “play a leading role in driving a city of hope and aspiration where everyone can share in its success.”

We are here to take care of the economic, social and environmental wellbeing of Bristol alongside many other local, regional and national organisations.

City Benefits:

This proposal will improve public health by achieving legal nitrogen dioxide objectives and reducing particulate pollution in accordance with the Clean Air Plan.

Consultation Details:

- Public and partner consultation – a public consultation programme was run from 1 July to 12 August 2019. In total 5,034 consultation responses were received.
- Scrutiny – Bristol’s Clean Air plan was an agenda items at 17 July 2019, 30 October 2019 and 30 January 2020 Scrutiny meetings. In addition information briefings have been held for Scrutiny Members to support the scrutiny activity.
- Further information and analysis is contained in the consultation report (OBC 37) presented to Cabinet in November 2019.

Background Documents;

- Air quality: clean air zone framework for England; Principles which local authorities should follow when setting up Clean Air Zones in England.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612592/clean-air-zone-framework.pdf

Revenue Cost	£1.25m FBC £0.35m Implementation	Source of Revenue Funding	Grant from Government for FBC, as well as revenue costs for implementing CAZ C
Capital Cost	£11.6m	Source of Capital Funding	<i>e.g. grant/ prudential borrowing etc.</i>
One off cost <input checked="" type="checkbox"/> Ongoing cost <input type="checkbox"/>		Saving Proposal <input type="checkbox"/> Income generation proposal <input type="checkbox"/>	

Required information to be completed by Financial/Legal/ICT/ HR partners:

Finance Advice:

In July 2017, Bristol City Council was directed to conduct a feasibility study and submit, by 31 December 2018, a Final Plan for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time. The Council submitted an OBC on the 6th November 2019 to JAQU which outlined its proposals. It had aimed to submit an FBC in accordance with the agreed timelines.

Also, since the submission of OBC, JAQU have requested further analysis (which has been ongoing) and requires extra modelling of options by Jacobs, including sensitivity analysis and evidencing. It has been accepted that the extra work will input into the FBC which will now be delivered in September 2020, rather than the original date of February 2020. The revised total costs to FBC are now estimated as £3.25m. See Table 1 below for details.

Cabinet had previously given approval for up to £2m of grant funding to be spent on this work. This report seeks approval to request and spend an additional £1.25m to develop the FBC. It is worth noting that JAQU have only released £1.65m to date, and it is expected that the balance will be release together with the additional funds required to deliver the FBC.

Table 1.

Project Costs	£
Spent to Date (Modelling, Project Management etc)	£1,677,299
Estimated Additional to March 2020	£831,224
Further spend to FBC	£740,268
	£3,248,790
Already Approved by Cabinet	-£2,000,000
Additional Approval required:	
Modelling	£1,248,790
Project Management	
Professional support	
Communications	
* Note that amounts received for JAQU is:	-1,648,600

The Council has now received a directive from the Central Government to proceed with the implementation of a Medium CAZ C, while it further develops the Full Business Case which includes sensitivity testing and additional evidence to support the proposed Diesel ban etc.

The implementation costs of the proposal were estimated at £16m (which included costs of implementing a Diesel ban, but excluding non-charging measures). The directive does not include the diesel ban at this stage, and the costs are now estimated as c£12m (split between capital & revenue expenditure).

The report is requesting authority to accept and spend £12m Grant funding from JAQU for the implementation of a CAZ C as directed by Government. It is important to note that the £12m excludes any provision for Risk & contingency (as directed by Government); however, it is the Councils intention to include these as part of the FBC. See Table 2 for a high-level summary of the costs.

Table 2.

CAPEX Item	Implementation Fund
Enforcement System	7,153,000
Street Works	4,442,750
Non-Charging Measures - To be include in FBC	TBC
Risk & Contingency - To be include in FBC	TBC
Total	11,595,750
OPEX Item (implementation of CAZ C only)	
Project Management & Monitoring	354,000

Finance Business Partner: Kayode Olagundoye, Interim Finance Business Partner, Growth & Regeneration 30 March 2020

2. Legal Advice:

The report seeks authority to receive and spend funding from DEFRA for the purpose of implementing a Medium Clean Air Zone Class C.

It also seeks authority to accept funding from DEFRA (subject to confirmation) to progress with the completion of work required to submit a Full Business case to Government in September 2020.

This will enable the Council to comply with its duty to reach compliance with legal levels of NO₂ in line with the tests required and set out in the report. It will also enable the Council to comply with the legally binding Direction issued by Government on the 13th March 2020, subject to continued discussions with Central Government and any further direction, as a consequence of the impact of the restrictions imposed due to the Covid-19 Pandemic.

Legal Team Leader: Nancy Rollason , Head of Legal Service, 29 March 2020

3. Implications on IT:

Colleagues within the Growth and Regeneration Directorate have identified an approach and supplier of the associated IT solutions which can be implemented quickly. IT Services are able to support and ensure effective hosting of the solutions when required.

IT Team Leader: Simon Oliver – 27 March 2020

4. HR Advice:

The options being considered could result in some disruption to services that are reliant on employees using vehicles, particularly in the People and Growth and Regeneration directorates. There could be additional disruption in the short-term whilst office-based employees make alternative travel arrangements to travel to work at City Hall or 100 Temple Street. The Council will need to consider these challenges and how the impact can be mitigated on employees. The Council is developing a Travel Plan for employees, encouraging the workforce to use public transport.

Consideration also needs to be given with regards to the emerging COVID-19 situation as the effects will undoubtedly impact our workforce and lead to constraints in delivering the scheme within the required timelines. Supporting our staff health and wellbeing will be a priority.

HR Partner: John Walsh - 27 March 2020

Background Documents:

Improving Public Health: Bristol Clean Air Plan – Outline Business Case:
<https://democracy.bristol.gov.uk/documents/s42665/BCC%20CAZ%20OBC%201%20-%20Clean%20Air%20Cabinet%20Report%2028%20Oct%202019.pdf>

EDM Sign-off	Mike Jackson	09/04/2020
Cabinet Member sign-off	CLlr Kye Dudd	09/04/2020
For Key Decisions - Mayor's Office sign-off	Mayor's office	16/04/2020

Appendix A – Further essential background / detail on the proposal <i>Use this section to provide more details to expand upon the points made in this report.</i>	YES
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment <i>(template available- request to DLT support manager)</i>	NO
Appendix E – Equalities screening / impact assessment of proposal <i>(template available- request to DLT support manager). Please contact equalities.team@bristol.gov.uk for support. See also http://intranet.bcc.lan/ccm/navigation/policy-and-procedures/equalities-and-community-cohesion/equality-impact-assessments/</i>	YES
Appendix F – Eco-impact screening/ impact assessment of proposal <i>(template available- request to DLT support manager). Lead officer for support Steve Ransom.</i>	NO
Appendix G – Financial Advice <i>(Financial officer must be the author of the advice)</i>	YES
Appendix H – Legal Advice <i>(Legal Services must be the author of the advice)</i>	YES
Appendix I – Exempt Information <i>(Legal Services must confirm that information is to be exempt in accordance with the constitution)</i>	NO
Appendix J – HR advice	YES
Appendix K – ICT <i>Include here additional information from ICT</i>	YES

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for the Environment

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Mayor Marvin Rees
Bristol City Council
City Hall
Bristol
BS3 9FS

13th March 2020

Dear Mayor Marvin Rees,

In July 2017, Bristol City Council was directed to conduct a feasibility study and submit, by 31 December 2018, a Final Plan for delivering compliance with legal limits for nitrogen dioxide in the shortest possible time. A subsequent direction was issued on 23 July 2019 stating that you must deliver a plan by 30 September 2019. I followed this up on 26 September to confirm that we would receive this on 6 November.

Thank you for submitting your final plan on 6 November 2019. On the weight of the evidence presented I am providing initial funding of £12m to facilitate Bristol City Council developing the implementation and contract arrangements for a Clean Air Zone in Bristol. I am, however, aware that there is still some further evidence that is needed in order to confirm the option that delivers compliance in the shortest possible time. I request that you:

- **Submit further evidence on the proposed diesel ban, including air quality and transport modelling by 10 April 2020.** Updated analysis is requested that addresses the review panels' and JAQU's concerns, particularly around the behavioural assumptions that have been used; and provides assurance that your CAZ C with a diesel ban will deliver compliance in the shortest possible time. This should include:
 - Sensitivity testing to show the tolerances of the assumptions, as covered in the TIRP comments.
 - Further evidence on the traffic count on Church Road, as covered by TIRP comments.
 - Evidence for a medium size CAZ C with a small CAZ D
 - Responses to TIRP comments and updated reports as necessary
- **Provide updated Clean Air Fund proposals** – I recognise the need to support individuals and businesses affected by the Clean Air Zone, and we will provide support for those drivers most affected, but your bid requires further work to demonstrate proper targeting and good value for money. I expect for your officials to remain closely engaged with my officials to develop this bid further.
- **Prepare to implement the scheme as soon as possible and to deliver compliance by 2023 at the latest** - I expect the feedback that has already been fed through to Bristol from

JAQU and the independent review panels to be addressed in developing the commercial, financial and management arrangements for the scheme to be outlined in the Full Business Case. I am aware that you have been further developing your commercial arrangements and have remained in contact with JAQU officials to do so.

To ensure delivery of NO₂ compliance in the shortest possible time, I attach to this letter a Ministerial Direction requiring Bristol City Council to:

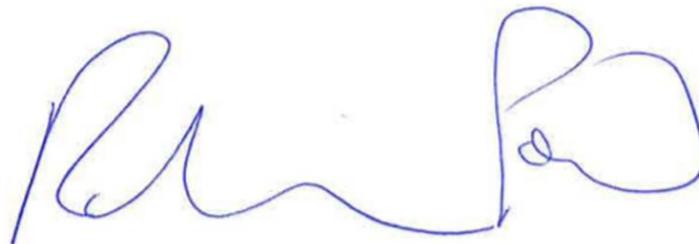
- Implement a charging Clean Air Zone Class C with additional measures as soon as possible and at least in time to bring forward compliance to 2023. I expect this to begin to be in place by 1 April 2021 at the latest; and
- Submit to JAQU a Full Business Case by 18 September 2020 at the latest.

I am conscious that a pre-election period for Mayoral elections is approaching. I therefore expect you to mitigate all risks to ensure that these dates are kept and that there are no further delays. The forthcoming elections will, of course, be a test of local public opinion on the scheme.

In the event that your preferred option of a medium CAZ C with additional measures, which could be either a diesel ban or small area CAZ D, is either not deliverable or is shown through further modelling to not deliver compliance in the shortest possible time, I expect you to pursue an alternative option for compliance, including a medium size class D CAZ.

I have requested to be kept closely informed of your progress over the coming months and look forward to receiving your evidence and Full Business Case. Thank you for your efforts in getting to this stage.

Yours sincerely,



REBECCA POW

DIRECTION

ENVIRONMENT ACT 1995

Environment Act 1995 (Bristol City Council) Air Quality Direction 2020

The Secretary of State, in exercise of the power conferred by section 85(5) of the Environment Act 1995(a), gives the following direction.

In accordance with section 85(6) a copy of this direction will be published in the London Gazette.

The Secretary of State makes this direction having determined that it is necessary in order to meet obligations placed upon the UK under the EU Ambient Air Quality Directive(b).

Citation, commencement and application

1.—(1) This direction may be cited as the Environment Act 1995 (Bristol City Council) Air Quality Direction 2020 and comes into force on the day after it is made.

(2) This direction applies to Bristol City Council.

Interpretation

2. In this direction—

“the 2000 Act” means the Transport Act 2000(c);

“AQP” means the UK plan for tackling roadside nitrogen dioxide concentrations 2017, drawn up by the Secretary of State in accordance with regulation 26(1) of the Air Quality Standards Regulations 2010(d);

“the authority” means Bristol City Council;

“feasibility study” means a study, conducted by the authority in accordance with HM Treasury’s Green Book approach, to identify at least one scheme that will deliver compliance with legal limits for nitrogen dioxide in a given area in the shortest possible time as part of the AQP;

“full business case” means a document that sets out detailed proposals for a scheme which has been identified through a feasibility study as the authority’s preferred scheme to deliver compliance with the legal limit value for nitrogen dioxide in the shortest possible time. It sets out the commercial and contractual arrangements, affordability, and management arrangements to ensure successful delivery of the scheme.

“local transport policies” has the meaning given by section 108(5) of the 2000 Act(e);

(a) 1995 c.25.

(b) 2008/50/EC OJ No. L 152, 11.06.08, p.1.

(c) 2000 c.38.

(d) S.I. 2010/1001. A copy of the plan is available at: <https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

(e) Section 108(5) was inserted by section 7(1) and (2) of the Local Transport Act 2008 (c.26).

Duty to implement the local plan for NO₂ compliance

3.—(1) The authority must take steps to implement the local plan for NO₂ compliance for the areas for which it is responsible.

(2) The authority must ensure that the local plan for NO₂ compliance is implemented so that—

- (a) compliance with the legal limit value for nitrogen dioxide is achieved in the shortest possible time, and by 2023 at the latest;
- (b) exposure to levels above the legal limit for nitrogen dioxide are reduced as quickly as possible.

Duty to submit additional documentation

4.—(1) The authority must submit to the Secretary of State further options appraisal (including transport, air quality and economic modelling and must include consideration of the financial and delivery detail of any options modelled) by 10 April 2020 at the latest, in order to provide assurance that the local plan for NO₂ compliance will deliver compliance in the shortest possible time and by 2023 at the latest.

(2) The revised air quality modelling provided under paragraph (1) must demonstrate the applicable class of charging Clean Air Zone, appropriate behavioural assumptions, and what (if any) additional measures, or adjustments to the local plan for NO₂ compliance would need to be implemented by the authority to deliver compliance in the shortest possible time.

Duty to prepare and submit a full business cases

5.—(1) The authority must as part of its feasibility study continue with the work necessary to prepare a full business case for the area for which it is responsible.

(2) The full business case must be submitted to the Secretary of State as soon as possible and by 18 September 2020 at the latest.

Inquiry in respect of a full business case

6.—(1) The authority must only exercise its power to hold a local inquiry, whether under section 170(2)(a) of the 2000 Act or otherwise, in relation to any scheme it identifies as part of its feasibility study and in preparing the full business case in accordance with this Article.

(2) The authority may only hold a local inquiry if it is necessary to do so, notwithstanding any other opportunities which the authority has or could have provided for representations to be made in relation to the scheme.

(3) Before an inquiry is held in accordance with paragraph (2), the authority must consult the Secretary of State and—

- (a) submit to the Secretary of State reasons why the authority believes an inquiry is necessary,
- (b) submit a proposed timetable for the completion of the inquiry, and
- (c) inform the Secretary of State whether the inquiry will be in addition to or instead of any other opportunity to make representations about the scheme identified in the full business case.

(4) Where the authority consults the Secretary of State under paragraph (3), the authority can only begin the inquiry if it has received consent from the Secretary of State including for the timetable for the completion of the inquiry.

(5) In this direction, a reference to holding a local inquiry includes a reference to causing a local inquiry to be held.

Submission of the full business case to the Secretary of State

7. When submitting its full business case, the authority must provide the Secretary of State with the following information—

- (a) the date on which it is proposed that the scheme identified in the full business case will start to be implemented, which must be by 1 April 2021 at the latest;
- (b) the date on which it is proposed that the scheme identified in the full business case will come into effect, which must be no later than necessary to ensure that compliance is achieved in the shortest possible time and by 2023 at the latest;
- (c) confirmation that all public consultation necessary in respect of the scheme identified in the full business case, has been completed (including where applicable consultation in accordance with section 170(1A), (1C) or (5)(a) of the 2000 Act(a));
- (d) a summary of any responses received in response to any consultation and of the changes (if any) made to the scheme identified in the full business case following that consultation;
- (e) where the full business case proposes a scheme in connection with which the authority intends to exercise powers under the 2000 Act, confirmation that the scheme facilitates the achievement of the local transport policies (where applicable) which apply in the authority's area;
- (f) confirmation—
 - (i) that no local inquiry under has been held or is due to be held, or
 - (ii) that a local inquiry has taken place in accordance with the consent and timetable agreed by the Secretary of State under Article 5 of this Direction.

Variation, revocation or suspension

8. The authority must not vary, revoke or suspend its implementation of the local plan for NO₂ compliance pursuant to Article 3, without the prior written consent of the Secretary of State.

Guidance

9. The authority, in taking steps under this direction, must have regard to relevant guidance issued by the Secretary of State.



Rebecca Pow MP

Parliamentary Under Secretary of State for the Environment
Department for the Environment Food & Rural Affairs

13th March 2020

(a) Section 170(1A) and (1C) were substituted, for subsection (1) as originally enacted, by section 111(2) of the Local Transport Act 2008. Section 170(1A) was amended by paragraph 110(2) of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009. Section 170(5) was amended by paragraph 6(2) of Schedule 5 to the Local Transport Act 2008.

SCHEDULE 1

Article 2

Summary of local plan for NO₂ compliance measures

<i>Measures description</i>	<i>Deadlines</i>
Charging Clean Air Zone Class C with additional measures subject to provision of further evidence to be submitted to the Secretary of State in accordance with Article 4.	To be implemented as soon as possible and at least in time to bring forward compliance to 2023.

EXPLANATORY NOTE

(This note is not part of the direction)

This direction directs Bristol City Council, to implement its local plan for NO₂ compliance and to prepare and submit to the Secretary of State a full business case in connection with duties in respect of air quality under Part 4 of the Environment Act 1995 and as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017. The local plan for NO₂ compliance must now be implemented to ensure compliance with the legal limit value for nitrogen dioxide is achieved in the authority' area in the shortest possible time. The full business case must set out detailed proposals for a scheme which is the authority's preferred measure to deliver compliance in its area with the legal limit value for nitrogen dioxide in the shortest possible time. Under section 85(7) of the Environment Act it is the duty of a local authority to comply with a direction given to it. A copy of this direction is available for inspection at Seacole Building, 2 Marsham Street, London, SW1P 4DF.

Bristol City Council Equality Impact Assessment Form



Name of proposal	Improving Public Health: Bristol Clean Air Zone (CAZ) – Interim EqIA between Outline and Full business cases
Directorate and Service Area	Growth and Regeneration
Name of Lead Officer	Adam Crowther / Mike Jackson

1.1 What is the proposal?

Bristol City Council is wholly committed to enabling clean air in the city and to achieving this as quickly as possible, whilst making sure that we put in place measures that will mitigate the impact on people with protected characteristics (and/or from low income households).

Due to the scale of the issue in urban areas nationally, Her Majesty's Government in 2017 formally directed 24 local authorities (including Bristol City Council) to submit plans for how they will achieve compliance to the legal NO₂ limits and how they would implement these plans by the end of March 2021.

Local authorities are therefore required to model various options for achieving clean air and to take forward the option that delivers compliance against the NO₂ legal limits within the shortest possible time, reduces exposure the quickest and ensures that compliance is not just possible but likely.

There have been a number of key changes to the project since the document was last circulated. These are summarised below.

From 1st July 2019 Bristol City Council carried out a six-week public consultation on two options for achieving NO₂ compliance: option 1: a Medium CAZ C charging scheme with additional non-charging measures and mitigations; option 2, a Small Area Diesel Car Ban with mitigations. The details of both these options are set out in further detail in the Outline Business Case (OBC) Options Appraisal Report (OAR), appendix A. It should be noted that an updated OAR is being prepared for the full business case which reflects the most recent option developments. The outcomes of the consultation are set out in a separate consultation report.

Following consultation and further technical analysis on both options, officers recommended that we progress with a 'Hybrid' option, which merged options 1 and 2 described above. This was the option that achieved compliance in line with our legal obligations.

Since the Council submitted the OBC in November 2019, further modelling and evaluation work has continued as part of refinement work and there have been regular discussions between Bristol City Council and JAQU. The main discussions being;

1. Technical questions relating to the Diesel Ban, in particular the area of the ban and assumptions around behaviour change;
2. Additional technical work that has been carried out that now shows a compliance date for the Hybrid scheme of 2023;

3. Matters relating to the ability to deliver Diesel Ban as Government has not yet provided the appropriate powers to Bristol City Council to implement a ban by passing the necessary secondary legislation and;

4. The Joint Air Quality Unit (JAQU) requiring further modelling work to ensure that other viable options are being considered by the Council, should they be required. This includes modelling a medium CAZ C with a small CAZ D. Further analysis and sensitivity testing is continuing on this option to ensure that the option that is put forward in the Full Business Case fully complies with the Government Direction of achieving compliance with the legal NO₂ limits in the shortest possible time.

The further modelling work has enabled good progress to be made on refining the data and has enabled us to move forward positively. The most important aspect to note is that as a result of this additional refinement work, the compliance year has moved from 2025 to 2023. This will bring clean air improved health to Bristol in a much shorter timescale than originally expected.

In response to the submission of the OBC and the ongoing work that has been undertaken as set out above, the Government have now formally Directed Bristol City Council, as set out in Appendix B,

In addition to the formal Direction received, the Rt Hon Rebecca Pow has written to Mayor Rees on the 13th March 2020 stating the following:

To ensure delivery of NO₂ compliance in the shortest possible time, I attach to this letter a Ministerial Direction requiring Bristol City Council to:

- Implement a charging Clean Air Zone Class C with additional measures as soon as possible and at least in time to bring forward compliance to 2023. I expect this to begin to be in place by 1 April 2020 at the latest; and
- Submit to JAQU a Full Business Case by 18 September 2020 at the latest.

'In the event that your preferred option of a medium CAZ C with additional measures, which could be either a diesel ban or small area CAZ D, is either not deliverable or is shown through further modelling to not deliver compliance in the shortest possible time, I expect you to pursue an alternative option for compliance, including a medium size class D CAZ.'

It is important to note that since receiving the Government Direction and letter from the Rt. Hon Rebecca Pow MP on the 13th March 2020, the situation regarding COVID-19 has escalated and further Government advice is being provided daily. At this point in time officers are working with JAQU to understand the wider implications of the virus and the impacts that will adversely affect delivery of the Clean Air Zone project. There is however a significant and likely risk that it will have an adverse effect on timescales for full delivery and implementation of the CAZ scheme.

It is also acknowledged that COVID-19 may potentially create further risk for those organisations impacted in Bristol who will also be required to comply with the implementation of the Clean Air Zone. Businesses that currently have non complaint vehicles, such as buses, taxis, HGVs and LGVs that will be impacted by the introduction of the Clean Air Zone Class C may now need further support from the Government due to potential adverse pressures facing their organisations already as a result of COVID-19.

Officers will continue to work with JAQU to understand the impact, risks and implications associated with COVID-19 as they emerge.

Step 2: What information do we have?

2.1 What data or evidence is there which tells us who is, or could be affected?

Broadly, there are three types of impact arising from this decision:

1. Impact on public health from reducing air pollution
2. Impact on individuals through charging; impact on businesses through enforcement of the CAZ
3. Impact of additional measures aimed at improving and encouraging sustainable transport options for the residents and visitors to Bristol.

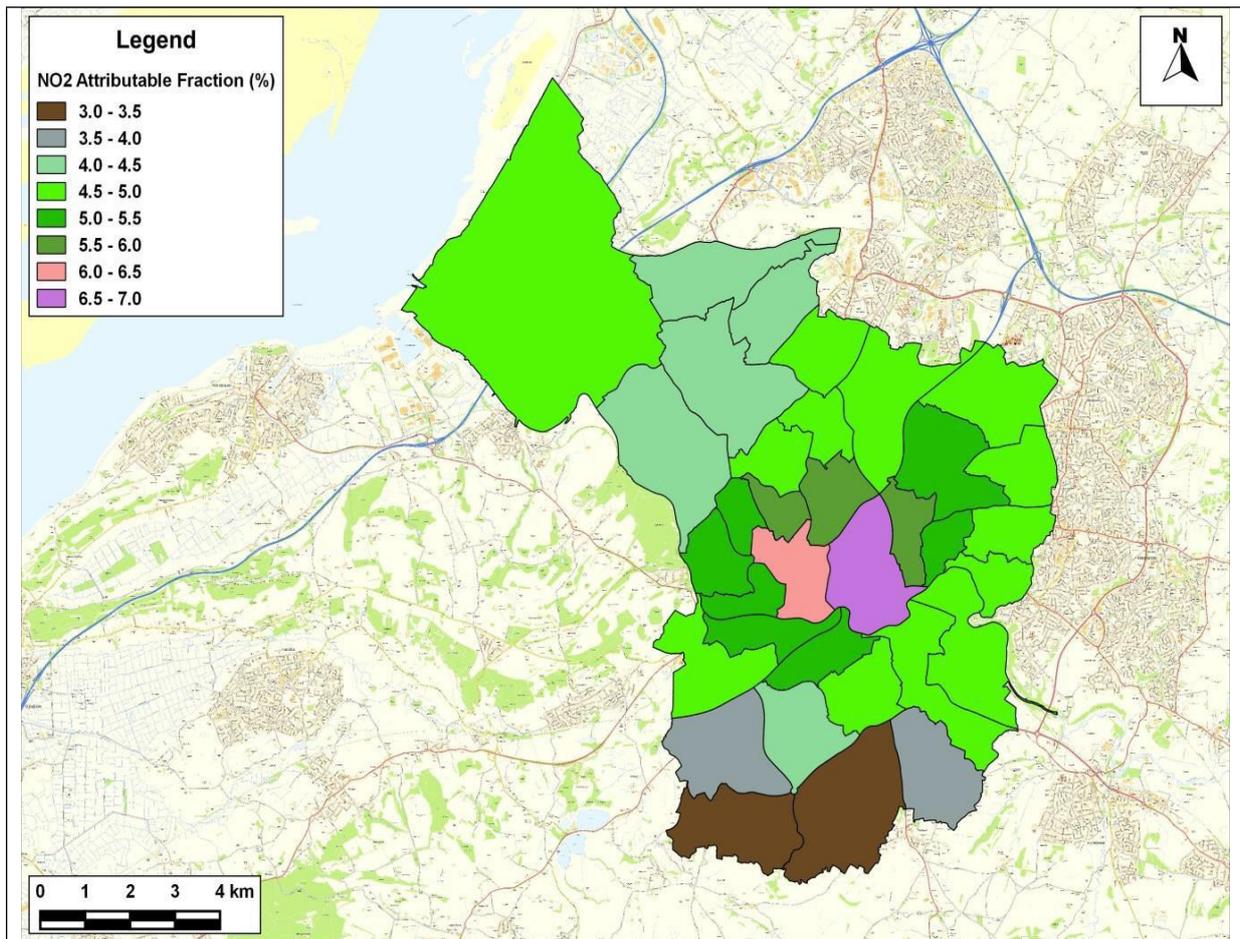
Impact of Reducing Air Pollution

We manage air pollution levels in order to protect public health. Reducing air pollution leads to a reduction in both morbidity and mortality. The most recent analysis commissioned by Bristol City Council – based on evidence from the Committee on the Medical Effects of Air Pollutants (COMEAP) – calculated that around 300 deaths each year in the City of Bristol can be attributed to exposure to both nitrogen dioxide and fine particulate matter.

Significant parts of the city are affected by air pollution in excess of the UK and EU standards for nitrogen dioxide – this is called the Air Quality Management Area (AQMA). This covers the city centre, central residential areas and main roads. Approximately 100,000 people live in the city centre and many more study, work and travel through this area.

Air pollution affects the whole of the city and health impacts from poor air quality will be experienced outside the AQMA.

The figure below shows the fraction of deaths (%) attributable to nitrogen dioxide in Bristol wards in 2013.



Impacts of Charging Zones

London has introduced an Ultra-Low Emissions Zone (ULEZ) which charges most vehicle types including cars, taxis, buses, motorcycles and vans. This has been in place since April 2019 and covers the same area that London’s pre-existing congestion charging zone covered. However, as it has only been in place for a short time, we cannot reliably assess its full impact.

Aside from London’s ULEZ, no other UK city has introduced a clean air zone with charges at the time of writing. Therefore, we do not have direct experience of the impact. However, it is reasonable to assume that people with protected characteristics and/or from low income groups that are required to pay a charge may be negatively affected, and this may have a detrimental impact on life chances and health. This is further explored in section three of this report.

In 2016, a government assessment of the impact of Clean Air Zones was undertaken in five of the cities that were directed to implement CAZs, the findings of which can be read here:

https://consult.defra.gov.uk/airquality/implementation-of-cazs/supporting_documents/161012%20%20CAZ%20Impact%20Assessment%20%20FINAL%20consultation.pdf

Quality of Life Survey

In relation to the proportion of people who say air pollution prevents them leaving their house when they want to, the council’s Quality of Life Survey 2019 / 20 shows there are clear differences

between both equality groups and where people live:

Indicator	% for whom air pollution prevents them from leaving their home when they want to
Equalities Group	Percentage
16 to 24 years	8.1%
50 years and older	4.0%
65 years and older	4.4%
Female	5.2%
Male	6.2%
BAME (Black and Minority Ethnicity)	5.3%
WME (White Minority Ethnicity)	7.9%
Single Parent	4.7%
Carer	7.2%
Disabled	9.9%
LGB (Lesbian Gay Bisexual)	8.2%
No religion or faith	4.9%
Religion or faith	5.1%
Deprivation (People living in 10% most deprived areas)	6.8%
Bristol Average	5.8% (increase from 4.6% in 2018-19)

Source: Quality of Life in Bristol survey 2019-20

Indicator	% for whom air pollution prevents them from leaving their home when they want to
Ward Name	Percentage
Ashley	8.3%
Avonmouth & Lawrence Weston	3.4%
Bedminster	4.2%
Bishopston & Ashley Down	12.9%
Bishopsworth	4.8%
Brislington East	2.0%
Brislington West	3.7%
Central	7.4%
Clifton	5.1%
Clifton Down	2.9%
Cotham	2.2%
Easton	7.3%
Eastville	5.4%
Filwood	6.2%
Frome Vale	7.1%

Hartcliffe & Withywood	5.6%
Henbury & Brentry	4.6%
Hengrove & Whitchurch Park	2.1%
Hillfields	2.0%
Horfield	7.6%
Hotwells & Harbourside	8.8%
Knowle	5.4%
Lawrence Hill	13.2%
Lockleaze	9.7%
Redland	6.1%
Southmead	4.5%
Southville	5.8%
St George Central	7.3%
St George Troopers Hill	0.45%
St George West	6.75%
Stockwood	3.6%
Stoke Bishop	3.6%
Westbury-on-Trym & Henleaze	6.4%
Windmill Hill	4.4%

Source: Quality of Life in Bristol survey 2019-20

2.2 Who is missing? Are there any gaps in the data?

The consultation received responses from a wide range of groups and residents. Overall, the survey received 5,034 responses, of which 4,835 (96%) were self-completed online, 110 (2%) were completed online as interview surveys or at drop-ins or events and 89 (2%) were self-completed using paper surveys.

Geography - 3,512 responses (70%) were received from postcodes within the Bristol City Council area, 342 (7%) responses were from South Gloucestershire, 175 (3%) were from North Somerset, and 46 (1%) were from Bath & North East Somerset (B&NES). A further 22 (less than 1%) were from unspecified locations within the four West of England authorities and 84 (2%) responses were from further afield.

Deprivation - The home location of respondents in Bristol was compared with nationally published information on levels of deprivation across the city to review if the responses received include a cross-section of people living in more deprived and less deprived areas. The comparison looked at levels of deprivation in 10 bands (known as 'deciles') from decile 1 (most deprived) to decile 10 (least deprived). The response rate from the most deprived third of Bristol (deciles 1, 2 and 3) is less than the proportion of citizens living in those areas. The proportion of respondents in deprivation deciles 4 and 5 closely matches the proportion of Bristol citizens living in deprivation deciles 4 and 5. Response rates from the least deprived half of the city (deciles 6 to 10) are higher than the proportion of Bristol citizens living in those areas.

Although, the more deprived areas are under-represented as a proportion of the population, the large number of responses in all deciles enables meaningful comparison of the views of people living in the most deprived and least deprived areas.

Age - The most common age of respondents was 35-44 years (29%), followed by 25-34 (21%) and 45-

54 (20%). The proportion of responses in the age categories 25-34 years, 35-44, 45-54, 55-64 and 65-74 were higher than these age groups' proportion of the population in Bristol. Survey responses from children (under 18), young people aged 18-24 and people aged 75 and older were under represented. In each age category, the proportions of all respondents and Bristol respondents were very similar; the greatest difference being in people aged 45-54 which made up 20% of all respondents and 18% of Bristol respondents.

Sex - 45% of all responses were from women (47% for Bristol respondents) and 54% were from men (52% for Bristol respondents). 0.7% was from people who identified as 'other' (0.8% for Bristol respondents).

Disability - The proportion of disabled respondents (8%) and disabled Bristol respondents (8%) matched the proportion of disabled people living in Bristol.

Ethnicity - The proportions of White British respondents (87%) and White British respondents from Bristol (86%) are higher than the proportion of White Bristol people in the Bristol population. The response rates from White Irish (2%) and Other White respondents (7%) were also higher than the proportion of these groups living in Bristol. The responses rate from Gypsy / Roma / Traveller people (0.1%) closely matches proportion of these citizens in the Bristol population.

All other Black, Asian and Minority Ethnic respondents were under-represented in the response rates compared to the proportion of BAME citizens living in Bristol, despite targeted efforts to increase participation in areas with high BAME populations.

Religion/faith - People with no religion (69% of respondents and 70% of Bristol respondents) responded in higher proportions than people of no religion in Bristol's population. Christians (26%), Muslims (0.6%), Hindus (0.2%) and Sikhs (0.1%) were under-represented compared to the proportions of these faiths living in Bristol. The proportion of Jewish respondents (0.2%) closely matches the Bristol population. Buddhists (1%) and people of other faith (2%) responded in greater numbers than the proportions of these faiths in the Bristol population.

2.3 How have we involved, or will we involve, communities and groups that could be affected?

A full consultation programme was designed and planned with our framework consultants to ensure that people in the West of England region understood the issues surrounding air quality as well as the potential solutions. The proposed Hybrid option builds upon this. A series of engagement activity is proposed including a city summit with key city stakeholders (businesses, community groups and the city's partnership boards) and communications campaigns to enable residents to ask questions and further consultation will take place as part of detail of the implementation of the preferred option

We used our existing relationships with local universities, NHS, WECA, community groups and the Green Capital Partnership to plan activities and communications that reach all relevant communities.

We engaged with particular equalities groups including BAME, age and disability to understand the likely impacts on people with protected characteristics.

Further details of our engagement and consultation are available in the appendices of the outline business case.

Step 3: Who might the proposal impact?

3.1 Does the proposal have any potentially adverse impacts on people with protected characteristics?

The table below contains a brief qualitative summary of the distributional impacts of the four CAP options considered to date:

	1: Option 1	2: Option 2	3: Medium area CAZ 'D'	4: Hybrid option
Air quality	Improvements across the city for both NO2 and PM10. Distribution impact is generally even across social groups, though impacts on children are a little uneven.	Air quality improves in some areas but worsens in others. With improvements focused on the car diesel ban area, distributional impact is uneven for a number of groups.	Improvements across the city for both NO2 and PM10. Distribution impact is generally even across social groups.	Improvements across the city for both NO2 and PM10, though not as much as either options 1 or 2. Distribution impact is generally even across social groups, with slightly uneven impacts on younger and older residents.
Accessibility	Time benefit calculations indicate a mix of positive and negative benefits, so the distributional impact is uneven. Trip-making propensity by people with non-compliant cars related to the Medium CAZ area is evenly distributed.	Time benefit calculations indicate mostly positive benefits; the distributional impact is not particularly even though. Trip-making propensity by people with non-compliant cars related to the car diesel ban area is slightly less evenly distributed than the Medium area.	Time benefit calculations indicate mostly positive benefits; the distributional impact is not particularly even though. Trip-making propensity by people with non-compliant cars related to the Medium CAZ area is evenly distributed.	Time benefit calculations indicate mostly positive benefits; the distributional impact is reasonably even. Trip-making propensity by non-compliant cars related to the Medium CAZ area is evenly distributed, but the option also includes measures related to the car diesel ban area for which trip-making propensity is less evenly distributed.
Affordability	Vehicle operating	Vehicle operating	Vehicle operating	Vehicle operating

	cost benefits are a mixture of positive and negative values. Distribution is not particularly even.	cost benefits are positive and the distributional is reasonably even.	cost benefits are a mixture of positive and negative values. Distribution is not particularly even.	cost benefits are a mixture of positive and negative values. Distribution is not particularly even.
Businesses	Option has direct impact on costs of LGV/HGV reliant businesses. Trips by non-compliant LGV/HGV reliant businesses are reasonably spread around the city. The Medium CAZ area impacts more than the car diesel ban area on such trips.	Option has less direct impact on LGV/HGV reliant businesses. Area of impact is smaller, but the diesel car ban area could deter customer trips and impact on taxi availability.	Option has direct impact on costs of LGV/HGV reliant businesses. Trips by non-compliant LGV/HGV reliant businesses are reasonably spread around the city. The Medium CAZ area impacts more than the car diesel ban area.	Option has direct impact on costs of LGV/HGV reliant businesses. Trips by non-compliant LGV/HGV reliant businesses are reasonably spread around the city. Inclusion of car diesel ban area measures potentially impacts more than the Medium CAZ area alone.
Car owners	Impact on car owners is limited with CAZ 'C', so distributional impact is likewise limited and even.	Impact on diesel owners is significant with a ban. Distribution of diesel ownership is even across income groups. However, (in)ability to react to restrictions is unevenly felt by lower income groups (e.g. with fewer multi-car households)..	Impact on all non-compliant car owners. Distribution of non-compliant car ownerships is slightly skewed to lower income groups, but ability to react to charges more so (such as households with more than one vehicle).	Impact on all non-compliant car owners and owners of diesel cars. Distribution of non-compliant car ownerships is slightly skewed to lower income groups, but ability to react to charges more so (such as households with more than one vehicle).

The table below indicates some of the potential mitigation target groups that could arise from the four potential Clean Air Zone options discussed in 1.1 above. The table also provides a summary showing the potential mitigation targets.

Potential mitigation target group ^a	1: Option 1	2: Option 2	3: Medium CAZ D	4: Hybrid Option
Residents				
Residents of the	✘	✘	✓	✘

Medium CAZ area (outside the car diesel ban area)				
Residents of the car diesel ban area	x	✓	✓	✓
Specific trip needs				
Disabled people – blue badge	x	✓ ^b	✓	✓ ^b
Disabled people – with specialist vehicle adaptations	x	✓ ^b	✓	✓ ^b
Out-patient access to hospital	x	✓ ^b	✓	✓ ^b
Car owners				
Low income non-compliant petrol car owners	x	x	✓	x
Low-income non-compliant diesel car owners	x	✓	✓	✓
Low-income compliant diesel car owners	x	✓	x	✓
1-car households	x	✓	x	✓
Businesses				
SMEs located in the Medium CAZ area (outside the car diesel ban area)	✓	x	✓	✓
SMEs located in the car diesel ban area	✓	✓	✓	✓
LGV/HGV-dependent businesses, not specifically located in the Medium CAZ area (outside car diesel ban area) but that need to travel into it	✓	x	✓	✓
LGV/HGV-dependent businesses not specifically located in the car	✓	✓	✓	✓

diesel ban area but that need to travel into it				
Taxi owners/drivers – BCC registered	✓	✓ ^c	✓	✓
Taxi owners/drivers – other authority registration	✓	✓ ^c	✓	✓

Note:

- a. Groups that could be potential mitigation targets are cross-referenced with the four CAP options; '✓' indicates there is the potential for mitigation to be sought by or on behalf of the group, though not necessarily that it would be granted as part of implementing the CAP; '✗' indicates that it is less likely that any mitigation would be applicable to this group/option. However, both are indicative, and neither a positive nor negative indication in this table is a definitive indicator of future proposals.
- b. With a destination in the car diesel ban area and owning/using a diesel car.
- c. Diesel-powered only.

For the consultation two options were presented which were Option 1 and Option 2. These were later combined to become the Hybrid Option.

Analysis shows that both options consulted on as separate interventions would have a disproportionate financial impact on some equalities groups and low income households. This is also true of the Benchmark (CAZ D general charging) option that was initially considered. The Hybrid option does not have as proportionately disparate affect; however we recognise that this option does not fully mitigate the negative impacts.

A ban on diesel cars may correlate with some equalities groups such as older people, and may also disproportionately affect those people who need to use a car more, such as disabled and elderly people. The requirement to replace a diesel vehicle to continue trip-making may have a more significant impact, especially for households with only one diesel car.

Further, there may be an impact on disabled people and / or carers who have had adaptations to existing diesel vehicles via grants etc. in order to make their vehicles accessible. Such groups may not be able to afford or be sufficiently reimbursed if they are then required to get further adaptations to a replacement vehicle.

In the event that a new version of the Hybrid is progressed so that the small zone charged non-compliant cars (a CAZ D) rather than banning all diesels, the impacts would change. They would likely become more focussed on the ability of the public to pay the charge and adapt their vehicles. With this work still being undertaken, the impacts aren't clear as yet. However, it is unlikely this scheme would have the wide impact on low income households due to the reduction in size from the Medium CAZ D. The grant and loan scheme would also help to mitigate the impacts as with the Medium zone.

The CAZ C (commercial vehicle charging zone for non-compliant vehicles) may also adversely impact disabled persons, elderly persons and children. These groups are more likely to use taxis, buses, or home-to-school transport. The financial effects of the CAZ upon operators who need either to pay the charges to enter, or to replace or retrofit older vehicles, are therefore more likely to impact

upon these groups in the form of raised prices. Accessibility for these groups could also be reduced if operators choose to change or lower service levels as a result of the proposals.

3.2 Can these impacts be mitigated or justified? If so, how?

Bristol City Council is committed to delivering an option that complies with the legal tests while at the same time seeking to put in place measures that will mitigate any disproportionate adverse impact on people with protected characteristics and low income households. To develop Bristol's proposed option, officers from the Council have been in regular contact with officials from JAQU since 2018, holding weekly catch up calls. Initially the Council developed a shortlist of options in line with JAQU assessment criteria reported to council in March 2018. The subsequent assessment of these options produced 2 'preferred options' based on the year they would be likely to reach compliance.

Initial modelling showed the options having different compliance dates; 2030 for the Medium CAZ D (charging all non-compliant modes) and 2024 for a Small Area Diesel Car Ban. The first option raised concerns about time to compliance and both options raised concerns about the impact on some equalities groups (in particular disabled people) and low income households, so further consideration was given to options that would meet the terms of the directive and legal tests, while at the same time mitigating the impact.

This led to the development of the Hybrid option as detailed above. Although adverse impacts upon protected groups remain with this option, these will be mitigated by the following measures:

The key mitigations for the Small Area Diesel Car Ban and CAZ C (commercial charging zone) from an equalities perspective are:

- a) A loan and grant scheme, provided to all but with a priority for lower income households, disabled people, and local businesses to maintain their mobility. This replaces the scrappage scheme that was originally proposed. It was removed following consultation and feedback from Scrutiny and stakeholders. Following a review, it is deemed that the loan and grant scheme provides wider benefits and removes the need to scrap newer vehicles unnecessarily, it also includes the ability to support adaptations to vehicles to make them compliant which the scrappage scheme didn't provide adequate support for.
- b) Council-led improvements to buses and taxis to bring them to the compliant Euro standards. This should reduce the charging / vehicle replacement costs placed upon operators by the CAZ C. This in turn will reduce any costs passed on to public transport users, including users from low income households, elderly users, disabled passengers, and children.
- c) Bus and local traffic interventions in the most polluting areas; including a proposed bus lane on the M32. This will improve service reliability for operators, mitigating the impact of the charging zone. Improved public transport reliability will also mitigate the accessibility impacts of both the small area diesel ban and commercial charging zone.
- d) Concessions and exemptions are still being considered following the consultation and refinement work taking place; these are likely to include but are not limited to concessions for low income households and those drivers with the registered disabled vehicle class.
- e) Exemption from the Small Area Diesel Car Ban area and CAZ C for community transport vehicles. This will mitigate negative accessibility impacts upon disabled and elderly people who rely upon these services for their mobility. It will also mitigate the financial impacts upon these groups from potentially replacing these services with more expensive modes, such as taxis.
- f) Exemption from the Small Area Diesel Car Ban area and CAZ C for home-to-school transport vehicles. This will mitigate adverse financial and accessibility impacts upon children and young

people by preventing their mobility from being disrupted and avoiding extra cost for alternative modes.

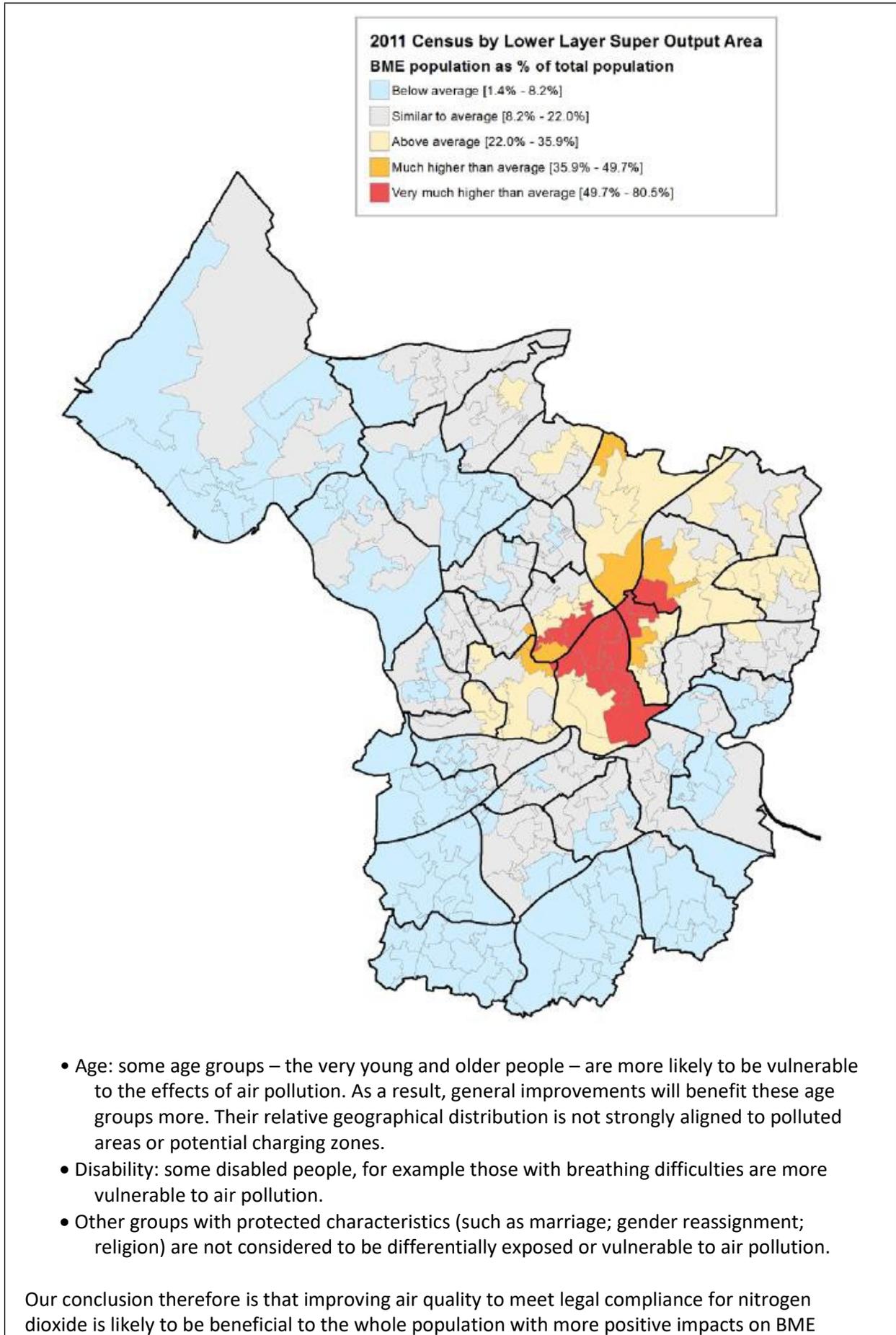
Exemptions and concessions are still being worked up and will be balanced against the need to achieve legal compliance in the shortest possible time. If too many exemptions are included, this could impact the compliance date. In turn, this would weaken the positive impact of the proposal on groups with protected characteristics.

Due to the legal timeframes set in place for this project, we may not be able to offer as many exemptions and concessions as we would have liked. We are aware of the potential issues for our most vulnerable residents that could arise as a result of the scheme being implemented and will continue to consider all possible impacts. We will work with local residents to best understand their issues. This is caveated with the need to meet legal timescales and make sure we are improving air quality. We may not be able to offer all exemptions but we will continually review the mitigation measures offered and make sure what we're offering are the right measures for all affected. This is all going to be reviewed in the coming months with a final list being included in the full business case in September 20.

3.3 Does the proposal create any benefits for people with protected characteristics?

Considering air pollution in relation to protected characteristics:

- Race: BME people make up a larger proportion of the population living in the more polluted areas – the AQMA - than the city as a whole and therefore it is reasonable to assume that BME groups experience greater exposure to air pollution. Successful interventions to improve air quality will improve the citywide health of BME communities relative to non-BME citizens.



groups, children, older people and people with breathing conditions.

3.4 Can they be maximised? If so, how?

The benefits can be maximised by achieving legal compliance and reducing exposure in the shortest possible time. Consideration should also be given as to whether, in achieving legal compliance in the shortest possible time, wider improvements in air quality can be delivered in areas that are already compliant but still experience health impacts from air pollution.

Step 4: So what?

4.1 How has the equality impact assessment informed or changed the proposal?

- It has tested whether we should include or exclude a large zone from further study.
- The Distributional Impact Assessment that has informed this EQIA has also informed the detailed consideration and evolution of proposals. Results of the Distributional Impact Assessment have also suggested that combining two options provides better overall outcome for low income households and groups with protected characteristics than them being applied in isolation.
- In identifying potential mitigation targets, it has noted potential exemptions and concessions for groups with protected characteristics. For example, the potential concessions in the Small Area Diesel Car Ban area for drivers with a registered disabled vehicle class, and exemptions from both the Diesel Ban and CAZ C (commercial charging) for community and home-to-school transport vehicles.
- In identifying potential mitigation targets, it has endorsed the inclusion of mitigation measures, such as a loan and grant scheme to enable people with protected characteristics and low-income households with polluting vehicles to enable alternative transport solutions under the scheme.

4.2 What actions have been identified going forward?

Once a decision has been made in respect of the preferred option, and the Government has accepted the Council's OBC, further engagement and consultation will take part in respect of the detail implementation of the plan.

The key mitigation measures, exemptions and concessions for the proposed plan are being developed to ensure the disproportionate impact on low income households and people with protected characteristics is effectively managed. This includes ongoing engagement with communities and key stakeholders across Bristol to raise awareness of the impacts in order to plan around them, draw attention to air quality benefits for the city, and raise awareness of mitigation of adverse impacts by the council.

This future engagement plan is included in appendix C.

4.3 How will the impact of your proposal and actions be measured moving forward?

As part of the OBC, an Evaluation & Monitoring Plan has been drawn up, which is included as. This lays out how the project's benefits will be monitored through the sensor network in order to show

that air pollution levels have reached legal compliance in the directed timeframe. Through the network of sensors, the council will be able to monitor air quality improvements by area, and evaluate the degree to which lower income neighbourhoods, and areas with a higher proportion of residents with protected characteristics, are improving compared to the mean. It is expected that the majority of this work will be carried out by the sustainability team.

The monitoring of the proposal's financial and accessibility impacts upon groups with protected characteristics are difficult to monitor independently, as the future Quality of Life Survey results on accessibility and transport will be affected by a range of inter-dependent factors outside the scope of this project. However, appropriate conversations about this monitoring will be developed with the equalities team as the project moves towards Full Business Case submission to JAQU in September 2020.

<p>Service Director Sign-Off: Mike Jackson</p>	<p>Equalities Officer Sign Off: <i>Reviewed by Equality and Inclusion Team 23/3/2020</i></p>
<p>Date:20th March 2020</p>	<p>Date:</p>