

**PURPOSE:** Key decision

**MEETING:** Cabinet

**DATE:** 18 June 2018

<b>TITLE</b>	<b>Improving Public Health - Clean Air Plan Update</b>	
<b>Ward(s)</b>	City wide	
<b>Author:</b> Abigail Smith	<b>Job title:</b> Clean Air Zone Project Manager	
<b>Cabinet lead:</b> Mayor	<b>Executive Director lead:</b> Mike Jackson; Executive Director of Resources and Head of Paid Services.	
<b>Proposal origin:</b> <i>Other</i>		
<b>Decision maker:</b> Mayor <b>Decision forum:</b> <i>Cabinet</i>		
<p><b>Timescales:</b> Proposed decision date; 18<sup>th</sup> June 2019. The Mayor has written to Theresa Coffey, Secretary of State for Department of Food and Rural Affairs, on the 1<sup>st</sup> March stating that a programme would be submitted to JAQU by the end of March 2019, which was achieved. The submitted programme shows that an Outline Business Case (OBC) will be submitted to JAQU by Sept 2019 and a Full Business Case (FBC) by the end of 2019.</p>		
<p><b>Purpose of Report:</b></p> <ol style="list-style-type: none"> <li>1. To seek a steer on the draft CAP programme; including agreement to hold a public consultation on the Roadside Compliance Plan in accordance with the project plan submitted to Government. It is proposed the consultation will run from the 1<sup>st</sup> of July for a period of 6 weeks.</li> </ol>		
<p><b>Evidence Base:</b></p> <ol style="list-style-type: none"> <li>1. Air pollution is a long standing problem in Bristol, and many UK cities. In Bristol an Air Quality Management Area (AQMA) was declared in 2001 because of breaches in the legal standards for levels of nitrogen dioxide (NO2). It covers the central areas of the city and the main arterial routes (please see Cabinet report from March 2018 for further detail). The level of nitrogen dioxide is limited under UK and EU law because of the impacts it has on human health.</li> <li>2. The Government published a new National Air Quality Action Plan on 26th July 2017. This provides the policy context and guidance for work in Bristol and has been considered in detail. Bristol City Council is also working alongside at least 20 other local leaders from across the UK in support of, and fully signed up to, the priorities as contained in the draft Environment (Principles and Governance) Bill vi, published on 19 December 2018, to be included as part of the wide-ranging Environment Bill when introduced into Parliament.</li> <li>3. The Government formally directed 24 local authorities in July 2017, including Bristol City Council, to:             <ul style="list-style-type: none"> <li>• By 31 March 2018 undertake a feasibility study and identify options which will deliver compliance with legal limits for nitrogen dioxide in the shortest possible time.</li> <li>• By 31 December 2018 to identify a preferred option, including value for money considerations and implementation arrangements (the latter date was subsequently not met as it was found, whilst under review, that the original programme was not deliverable due to the amount of technical work still to be undertaken at that time).</li> </ul> </li> <li>4. A plan was developed around the following topics: strengthening land use planning policies; reducing the impacts of freight; improving the bus and taxi fleets working with the operators; encouraging the adoption of electric vehicles; working with Government to secure investment the city needs; considering the contribution to air pollution from non-transport sources; improving traffic management; and various options for a Clean Air Zone.</li> <li>5. In March 2018, Cabinet agreed to the submission of a Strategic Outline Case (SOC) to Government,</li> </ol>		

including engagement and consultation activities and the submission of funding bids including spend of up to £2m. This was submitted in April 2018 and approved by Government.

6. The SOC included 5 shortlisted options to be further developed in the next phase; an Outline Business Case (OBC) - a small and Medium CAZ C (charging all modes except cars) and D (charging all modes) with a fifth non-charging option. Work began on engaging with the public to begin highlighting the issues around poor air quality and the potential 5 options proposed to address them.
7. The technical work was carried out for the OBC based on the 5 options taken forward as part of the SOC; the results produced 2 'preferred options' based on the year they would likely reach compliance.
8. Modelling showed the options having different compliance dates; 2030 for the CAZ D (charging all non-compliant modes) and 2024 for a Small Area Diesel Car Ban. However, analysis showed that both options would have a disproportionate impact on low income households. This technical work continues to be utilised in new iterations of the project being developed and is attached as Appendix A. Over the time the project has been developing there has been a lot of work taking place in the council to address poor air quality in support of a potential CAZ. This has included policy changes to the taxi fleet to ensure there is a move to becoming totally compliant in line with the Government direction.
9. The impact of the identified options on lower income households led to the need to try and find options which would meet the obligations of the Council on air quality but avoiding or reducing if possible these impacts. Other options were therefore considered for further analysis, in liaison with JAQU.
10. This led to the development of a new phase of the project. This phase, following some initial analysis, which suggested compliance could be achieved by 2025, considered a range of measures which whilst still based on the previously rejected preferred options, formed part of a 'new' variation option; to be referred to in the consultation as 'Option 1'. This includes a local scrappage scheme (offered to people scrapping the most polluted vehicles in exchange for a grant towards a new car or a switch to another mode i.e. Bus tickets), improvements to buses and taxis to the compliant Euro standard, plus bus and local traffic interventions in the most polluting areas; including a bus lane on the M32, a targeted diesel ban on the highway past the BRI and Children's Hospital and finally a CAZ C; a charging scheme for non-compliant buses, taxis, HGVs and LGVs.
11. Subsequent analysis suggested that once the technical work is complete, the date for Option 1 to achieve compliance will be similar to the compliance date for the small area diesel ban (Option 2) set out below, however this will not be clear until all the technical work has been completed which should be in mid-July and will be made available as part of the consultation process. It is important to go out to consultation at the start of July so we can finalise the preferred option in the OBC and meet the programme deadlines but recognise that this will be in advance of having all of the detailed technical information. Based on the experience of other cities, that there is likely to be a high level of interest in this project and it is likely to generate a lot of feedback / input so we need to start to gather views as soon as possible to help finalise the preferred option and move this project forward within the agreed timescales.
12. A consultation is now being planned; the options proposed will be Option 1 as explained above. Option 2 will be a small area diesel car ban which will be enforced for an 8hr period (from 7am to 3pm) of diesel cars only from entering a specific central area during a set time, with mitigation measures. Both options going to consultation include a package of non-charging measures (bans on specific highly polluted routes for HGVs, bus priority measures, improvements to buses and taxis ensuring they are all within the compliant Euro standard of emissions) as a baseline.
13. The key mitigation measures and exemptions for both options will be set out and consulted on to ensure the disproportionate impact on low income households is effectively managed. Details of what will be included in the final option in terms of mitigations and exemptions will be confirmed following this consultation. Once the preferred option is identified following consultation, a further consultation will take place in relation to the details of the scheme to be implemented.

#### **Cabinet Member / Officer Recommendations:**

#### **That Cabinet**

- A) Approve public consultation for a minimum of 6 weeks from the 1<sup>st</sup> July 2019 on 2 options for achieving

NO2 compliance; Option 1 (a medium CAZ C charging scheme with additional non - charging measures and mitigations) and a Small Area Diesel Car Ban (Option 2) with mitigations as set out in more detail above.

- B) Notes that a report will be brought back to cabinet in September, to include the outcome of consultation, to seek approval to submit an Outline Business Case, based on the preferred option, to Government. Note that progress on the overall draft Clean Air Plan will also be reported to Cabinet in September.

**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 the Council’s vision; “we play a leading role in driving a city of hope and aspiration where everyone can share in its success.....We are committed to building a better Bristol that includes everyone in the city’s 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:**

As per the current programme, it is proposed to carry out a public consultation from the 1<sup>st</sup> July for 6 weeks with confirmation of compliance dates being made available the week commencing 15<sup>th</sup> July. We will also be engaging with local ward members and with the Overview of Scrutiny Management Board as part of the scrutiny process and will be following the Decision Pathway, presenting this report to all relevant internal forums.

<b>Revenue Cost</b>	£2m Approved £1.65m Awarded	<b>Source of Revenue Funding</b>	Grant from Government
<b>Capital Cost</b>	£	<b>Source of Capital Funding</b>	<i>e.g. grant/ prudential borrowing etc.</i>
<b>One off cost</b> <input checked="" type="checkbox"/>	<b>Ongoing cost</b> <input type="checkbox"/>	<b>Saving Proposal</b> <input type="checkbox"/>	<b>Income generation proposal</b> <input type="checkbox"/>

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

**1. Finance Advice:**

This report seeks update Cabinet on current progress on development of the Clean Air Plan (CAP) and seek approval to continue work aimed at producing an OBC by September 2019 for which funding has already been approved and received. It also seeks approval to engage in a consultation as part of the process which will help inform the recommended option to be developed.

The Council has been awarded a total of £1,648,600.00 to date and has expended £934,000 to date in developing the various options which is helping inform the proposed consultation. The project currently has £751,000 funding remaining.

The total cost at this stage is still expected to be within the £2m funding envelope originally agreed. There could be additional costs that emerge after the consultations are completed, however it is anticipated that a clearer picture will emerge in time for a full update on costs to be provided as part of the OBC in September 2019.

The project is behind schedule and is at risk of having to pay back central government funding of £1.65m if BCC is not in a position to implement a solution that will deliver the government targets in the earliest possible time.

**Finance Business Partner:** Kayode Olagundoye, Interim Finance Business Partner, Growth & Regeneration, 31 May 2019.

**2. Legal Advice:** In July 2017 , and pursuant to the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2017 (the Direction), the Government formally directed the Council, (along with other Authorities) to:

- By 31 March 2018 undertake a feasibility study and identify options which will deliver compliance with legal limits for nitrogen dioxide in the shortest possible time.
- By 31 December 2018 to identify a preferred option, including value for money considerations and implementation arrangements the shortest possible time.

A revised timetable has been submitted to the Government which sets out the Council’s intention to submit an outline business case by end of September 2019 and the Full Business case by the end of December 2019.

To inform the decision on the preferred option to for the outline business case to be submitted in September, the Council is consulting on the options it is considering putting in place to achieve compliance with air quality legislation.

Consultation should ensure that proposals are consulted on at a formative stage, sufficient reasons are given for the proposals to enable an informed response to be given and adequate time has been allowed for consideration and response.

**Legal Team Leader:** Nancy Rollason; Head of Legal Services 10/06/2019

**3. Implications on IT:** There are no immediately identifiable IT implications in this report. It is possible that IT requirements may arise from implementation of specific proposals within the plan; these will need to be addressed at the appropriate time.

**IT Team Leader:** Ian Gale, 10<sup>th</sup> June 2019

**4. HR Advice:** There are no HR implications.

**HR Partner:** Lorna Laing 10/06/19

**Background Documents:**

- Cabinet Report - Improving Public Health - A Clean Air Plan for Bristol March 2018  
<https://democracy.bristol.gov.uk/documents/s19804/Clean%20Air%20Plan%20-%20Cabinet%20Report%20and%20Appendices%20-%20Final%20with%20Early%20Measures%20Fund%20included%20-with%20legal.pdf>

<b>EDM Sign-off</b>	Mike Jackson	10/06/19
<b>Cabinet Member sign-off</b>	Mayor Marvin Rees	10/06/19
<b>For Key Decisions - Mayor’s Office sign-off</b>		10/06/19

<b>Appendix A – Further essential background / detail on the proposal</b> <i>Bristol City Council Clean Air Plan: Outline Business Case –Economic Case</i>	<b>YES</b>
<b>Appendix B – Details of consultation carried out - internal and external</b>	<b>NO</b>
<b>Appendix C – Summary of any engagement with scrutiny</b>	<b>NO</b>
<b>Appendix D – Risk assessment</b>	<b>NO</b>
<b>Appendix E – Equalities screening / impact assessment of proposal</b>	<b>To Follow</b>
<b>Appendix F – Eco-impact screening/ impact assessment of proposal</b>	<b>NO</b>
<b>Appendix G – Financial Advice</b>	<b>NO</b>
<b>Appendix H – Legal Advice</b>	<b>NO</b>
<b>Appendix I – Exempt Information</b>	<b>NO</b>
<b>Appendix J – HR advice</b>	<b>NO</b>
<b>Appendix K – ICT</b>	<b>NO</b>

