

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 compliant 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