



PURPOSE: Key decision

MEETING: Cabinet

DATE: 01 September 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, Chief Executive		
Proposal origin: <i>Other</i>			
Decision maker: Mayor Decision forum: <i>Cabinet</i>			
Purpose of Report:			
<ol style="list-style-type: none"> To provide an update on the development of the traffic Clean Air Zone (CAZ) project To provide information about the new ministerial Direction issued by the Government on 20 August 2020 (in Appendix A) To note that the Government Direction requires the Council to submit a further options appraisal by 4 December 2020 To note the timeline within the Direction from Government for delivery of a Full Business Case (FBC) submission on or before 26 February 2021 To seek approval from Cabinet to delegate authority to the Chief Executive Officer (Clean Air Zone Senior Responsible Officer - SRO), in consultation with the Cabinet member for Finance, Governance & Performance and the Director of Finance & S151 Officer to seek further funding should it be required, from JAQU (Joint Air Quality Unit - DEFRA and DfT officers) once the current modelling work and a final direction of travel is agreed. At present full visibility of the likely spend is not possible, largely due to the modelling work still being undertaken. To outline details of and seek approval for proposed further consultation in respect of options for a small CAZ D and a medium CAZ C together with small CAZ D should these be needed. 			
<p>After substantial discussions between Bristol City Council and the government’s Joint Air Quality Unit, and calls between the Mayor and the Minister, progress has been made towards a clean air plan for Bristol. This also includes a new timetable, recognising the progress made towards alternative more radical options for clean air. Subsequently, on 20 August 2020, Government issued Bristol City Council with a new Direction regarding the implementation of a Local plan for a Clean Air Zone in Bristol. This superseded the previous Direction of the 13 March 2020, which required the Council to submit a Full Business Case (FBC) by the 18 September 2020 and to provide all required modelling by 10 April 2020. This was later extended to June to allow for further analysis to take place as requested by JAQU.</p> <p>The Direction and associated letter of 13 March 2020 preceded the passing of the Coronavirus Act 2020, meaning that the implications of pandemic management policies had not been considered in setting the submission dates. Since then, Bristol City Council has been working closely with the Government’s Joint Air Quality Unit (JAQU) to understand the wider impacts of the global coronavirus pandemic on this programme of work with particular recognition of the impact on the business community.</p> <p>In continuing discussions with JAQU throughout this period, Bristol City Council has continued to assess the situation and monitor the impacts of COVID-19. In April 2020 JAQU issued a statement from the Joint Heads of Department confirming that no Clean Air Zones would be implemented before January 2021. This was in recognition of the challenges and unknown entities that the situation presented.</p> <p>A number of other local authorities have signalled inevitable delays with the implementation of their Clean Air Zones; schemes that were due to be implemented in Leeds, Birmingham and Bath this year have now been delayed at least until January 2021. A zero-emissions zone planned for Oxford in December 2020 has also been postponed until summer 2021, while a consultation in Manchester on a clean air zone due this summer has been halted, all due to the impact of COVID-19.</p>			

Despite the challenges that lockdown (which commenced on the 23 March 2020) presented, council officers made significant progress in continuing with the additional required modelling and technical assessments as set out in the letter from Minister Pow on the 13th March 2020. These were all submitted in line with the requirements placed upon us.

Following the submission of the required information and subsequent discussions with JAQU officers, the Council was issued with a new Direction on 20 August 2020 (in Appendix A) which requires the Council to:

Implement the local plan for nitrogen dioxide (NO₂) compliance, specifying a Medium Charging Clean Air Zone Class C with small Charging Clean Air Zone Class D and additional measures, subject to provision of further evidence to be submitted

4.—(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 NO₂ are reduced as quickly as possible.

Duty to submit additional documentation

5.—(1) The authority must submit to the Secretary of State further options appraisal (including transport and air quality modelling) by 4 December 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 green recovery measures and the applicable class of charging Clean Air Zone, in the medium and small 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

6.—(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 26 February 2021 at the latest.

Submission of the full business case to the Secretary of State

8. 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 29 October 2021 at the latest;

This is a requirement to have undergone the necessary procurement activities, to have installed infrastructure and be ready to go live with the CAZ from this date for at least one of the charging CAZs. In order to achieve this, the FBC must be submitted well in advance to allow for the continued dialogue with JAQU to take place, agreeing the way forward at every gateway review. This new Direction is as a direct result of intense engagement with JAQU which will continue in order to satisfy both parties that the Bristol Clean Air Zone is the right strategic fit for Bristol that will meet the legal requirements.

Post COVID-19 emerging situation:

The Outline Business Case (OBC) that was submitted to JAQU in November 2019 included a set of proposals that offered the most appropriate measures for Bristol at that time and that were aligned with the Mayor's strategic vision for the future

development and direction of the city. However, the situation changed dramatically, without warning, due to the global pandemic caused by COVID-19.

The council has reviewed the impact of the pandemic and the inevitable change to the project baseline that this presents, the baseline which included previously modelled results and data analysis having been set in 2018 has now dramatically changed. The methodologies, modelling and assumptions that have been used up until the outbreak of COVID-19 are now outdated and do not take into account the effects of COVID-19 on our city. As such, consideration has been given to how we move forward in a way that delivers clean air and improved health benefits to Bristol, recognising the unprecedented times we are in while also seeking to protect and enhance our economy.

In July 2020 the Government announced funding of £2bn to create 'a new era' for cycling and walking. It has been a long held ambition for Bristol to create more liveable neighbourhoods that are free from traffic congestion and pollution, giving more space to residents and businesses and improving walking and cycling journeys. This ambition is more important than ever in the context of Covid-19.

Officers have been in continual dialogue with JAQU to consider the most suitable manner in which Bristol can respond to the pandemic and take into account the new environment. Our bold plans to reallocate through traffic away from the city centre in response to Covid-19 is testament to the level of ambition we hold in transforming how people get around the city. In a short space of time and with the help of enabling legislation from Government, we have made some radical changes to some of the most polluting areas in Bristol. We closed Baldwin Street to help insulate and promote local bus services and ensure that residents are encouraged to adopt public transport and active modes of travel. Other recent measures include the closure of Bristol Bridge to through traffic other than buses, motorbikes, taxis and cyclists, new segregated cycle routes on Park Row, Upper Maudlin St and Lewin's Mead. Access to the central hospital and Bristol University has also been improved with new segregated cycle routes and our plans for the autumn and winter will expand the area of focus to our local neighbourhoods, improving liveability and air quality in several neighbourhoods while protecting local businesses.

The new proposals seek to build on these measures and develop further schemes to ensure we are successful in improving air quality on our most polluted corridors, making schemes permanent or extended as required.

The fact that we now need to take account of the radical changes that have occurred as a result of the pandemic inevitably means that the baseline data has changed as a result of changed working patterns, and altered travel behaviours; these changes must now be factored into the evidence base for future decision making. In order to do this we have agreed a new three-staged modelling approach with JAQU to update the baseline and provide the most current evidence to make decisions.

A methodology has been adopted that carries out modelling and sensitivity testing (reports that test the modelling results against different scenarios) as well as capturing real time information from existing air quality monitoring units and the automatic number plate recognition (ANPR) data. As an essential element of the proposals, additional new air quality monitoring units will be installed to capture as much accurate and real time data as possible.

This new methodology is largely due to an emerging change in air quality readings. During the lockdown period, air quality and traffic levels were continuously monitored at our five continuous sites and 100 diffusion tubes sites. As compliance is based on an annual mean, it is not possible to fully predict if we are currently compliant with legally defined NO₂ levels (as we are only able to do this annually), but it is possible to see an improvement in air quality measures recorded during this time that suggest we are at the very least, likely to be close to compliance. For example, in June it was reported that daily traffic had declined by at least 50% compared to pre-lockdown recordings; and although we are seeing numbers rise, they are lower than the same levels as pre-lockdown. Roadside NO₂ has declined by around half (53%) when compared to the same period in 2019. Despite the relaxation of lockdown restrictions, numbers are not climbing to the same levels. This could in part be due to behavioural, lifestyle and working changes, such as working from home and therefore not needing to travel into the city centre. The changes to road layout are expected to have a further positive impact on these readings.

As a result of this and the implementation of the new Bristol Street Space transport improvements that have been funded using the Department for Transport (DfT) emergency funding, a new approach has been agreed with JAQU.

Bristol's new approach

A 'test and learn' approach, based on monitoring air quality and traffic levels before and after the 'fast track' measures (see below) are implemented, so that full data can be gathered to evidence whether a charging CAZ is still required and if so what category of CAZ. The preferred outcome would be for a non-charging zone if the evidence supports it.

This is led by a three-staged modelling process offering further evidence in support of the monitoring data as it becomes available.

In summary, this will involve:

- Significantly increased air quality monitors to assess air quality levels in comparison with models already created and allowing for live assessment of air quality
- Implementation of 'fast track' measures that will have an instant effect on air quality in a number of the most polluting areas (see schemes below)
- Implementation of sustainable transport projects, such as enhanced bus infrastructure and new cycle lanes in the zone or around the boundary to further encourage travel by sustainable modes. The specific routes will be dependent on which Street Space schemes get funding ahead of our implementation
- A three-staged modelling process to provide evidence required to inform decision making
- Immediate implementation of recent transport improvements, including the liveable streets projects and those introduced using emergency government (Department for Transport) funding (see first fast track measures bullet point below).
- Development of a charging CAZ - to be implemented if evidence shows that it is required. (A CAZ C would see a charge applied to all commercial non-compliant vehicles, with the small CAZ D applying a charge to all non-compliant vehicles).

Fast track measures – with commencement from early August 2020 (eight months earlier than previous CAZ proposals were due to commence)

- Recent transport improvements, such as those introduced using emergency government funding; the closure of Bristol Bridge and Baldwin Street to through traffic and lane closures in specific pollution problem locations (Upper Maudlin Street / Marlborough Street and Lewins Mead/Haymarket), enhanced bus infrastructure and associated cycle schemes in the proposed Clean Air Zone
- Closure of Cumberland Road to inbound traffic, for which plans are in development and is temporarily in place while Chocolate Path repair works are ongoing
- Controlling signals to improve the flow of all traffic, enhancing air quality in pollution hotspots
- Additional air quality monitoring units to keep track of progress
- Empowering residents and businesses to take a city-wide approach to air quality in the city and encourage different attitudes to travel and make use of the alternative options available, to support a non-charging clean air zone.

Timescale

Due to the impact of COVID-19 on our programme and the need to gather further evidence and carry out a further consultation, in respect of possible options for a small CAZ D or medium CAZ C or combination of both, the Government no longer requires us to submit a FBC in September 2020. Instead, we will focus on the implementation of the 'fast track' measures and the three-staged modelling approach to provide a new evidence base. The results of this will feed into a FBC to be submitted on or before the 26 February 2021. The diesel ban element of the proposal was not supported by government and is no longer a requirement.

The need for a charging CAZ and the type of CAZ or alternatively, other measures such as a non-charging CAZ will be determined following the completion of stage three of the modelling process at the end of the year. Work to support the implementation of a charging CAZ could begin in spring 2021, going live by October 2021, but only if evidence supports the requirement.

In summary:

- Evidence, through modelling, of the improved air quality and traffic levels by to be submitted to JAQU by 4 December 2020.
- Full Business Case to be submitted to Cabinet prior to it being submitted to Government before 26 February 2021
- A CAZ C and/or a small CAZ D in place by 29 October 2021 at the latest, should the evidence demonstrate that this is required. .

Consultation

As a result of the recent changes to the scheme and the new Direction received, the diesel ban that was previously proposed and consulted on is no longer included as a CAZ measure.

In its place we have been directed to implement a medium CAZ C and model and consider implementation of a small charging CAZ D zone covering the central area of Bristol, with additional measures if needed, should this be necessary to reach legal compliance in the shortest possible time.

Consultation will need to take place in respect of potential options that have not been consulted on previously - a standalone small CAZ D and medium CAZ C with a small CAZ D in case they are required. The consultation will include all aspects of the

possible schemes such as charge levels, timings, mitigations and exemptions.

Engagement has continued to take 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 further engagement with our key stakeholder, residents and businesses about the schemes, mitigations and exemptions.

Cabinet Member/Officer Recommendations:

That Cabinet;

1. Agrees that a non-charging solution is the preferred outcome, if supported by the evidence and reaching compliance in the shortest possible time.
2. Notes the new Direction dated 20 August 2020 (Appendix A) which includes a requirement for Council to implement a medium Charging Clean Air Zone Class C with small Charging Clean Air Zone Class D and additional measures, subject to provision of further evidence, to be submitted to the Secretary of State to bring forward compliance to 2023.
3. Authorises the Chief Executive Officer, in consultation with the Cabinet member for Finance, Governance and Performance and Director of Finance & S151 officer to seek further funding should it be required, from JAQU (Joint Air Quality Unit; DEFRA and DfT officers) once the current modelling work and a final direction of travel is agreed. Note the revised timeline within the Direction for delivery of a Full Business Case submission before 26 February 2021.
4. Approves public consultation for a minimum of 6 weeks commencing in October on new options including a scheme for a small area CAZ D and for a medium area CAZ C/small CAZ D which could be implemented if evidence demonstrates that these are required to achieve compliance with legal Limits of NO2 in the shortest possible time.
5. Authorises the Chief Executive (Clean Air Zone Senior Responsible Officer), in consultation with the Mayor, to proceed with and make operational decisions regarding development of the Full Business case to be considered by Cabinet by the 26th February 2021

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	£3.6m	Source of Revenue Funding	JAQU Grant funding
Capital Cost	£11.6m	Source of Capital Funding	JAQU Grand funding
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 April 2020 Cabinet approved £3.25m of grant funding to cover all necessary work (including feasibility, modelling, analysis and consultation) to enable the Council produce a Final Business Case by September 2020.

As a result of a number of changes to the landscape – CV-19, Central government announcement of a “new era” for cycling and walking, as well as the Councils response to these changes, government has agreed to a new methodology for modelling

and sensitivity testing which means that further work is required before an FBC can be produced.

To date, the projects spend totals £2.64m, leaving a balance of £0.61m to deliver the FBC. The Council has also been granted £0.35m in revenue grant towards the project management of any future implementation, as well as £11.6m towards the Capital costs.

The report is seeking delegated authority to allow the Chief Executive Officer in consultation with the Cabinet member for Finance, Governance and Performance and Director of Finance & S151 officer to seek further funding should it be required, from JAQU (Joint Air Quality Unit; DEFRA and DfT officers) once the current modelling work and a final direction of travel is agreed.. This will ensure that the Council is not left out of pocket as it pursues the delivery of a CAZ scheme as directed by Government.

Finance Business Partner: Kayode Olagundoye, Interim Finance Business Partner, Growth & Regeneration 21 August 2020

2. Legal Advice:

The recommendations in the report are in line with the Council’s duty to reach compliance with legal levels of NO2 and the legal tests to be applied as well as the legally binding Direction issued by Government on the 20th August 2020,. Public Consultation should take place when proposals are at a formative stage, with sufficient time to comment and sufficient clarity for the public to understand the nature of the proposals being consulted on. The outcome of consultation should be taken in to consideration by Cabinet when reaching a decision on the scheme to be proposed in the final business case.

Legal Team Leader: Nancy Rollason , Head of Legal Service, 21st August 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, however the current approach to CAZ is not part of a cohesive strategy for traffic monitoring and data/video access, storage and analysis.

Digital Transformation Director: Simon Oliver 21st August 2020

4. HR Advice:

The Council is developing a Travel Plan for employees, encouraging the workforce to use public transport. The impact of COVID-19 has resulted in far less travel to and from work for employees and it is anticipated revised flexible working practices will play a part in reducing travel when recovery is commenced. Supporting our staff health and wellbeing will be a priority.

HR Director: John Walsh - 21st August 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	21 Aug 2020
Cabinet Member sign-off	Mayor	21 August 2020
For Key Decisions - Mayor’s Office sign-off	Mayor’s Office	21 August 2020

Appendix A – Further essential background / detail on the proposal	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	NO
Appendix E – Equalities screening / impact assessment of proposal	To follow
Appendix F – Eco-impact screening/ impact assessment of proposal	NO

Appendix G – Financial Advice	YES
Appendix H – Legal Advice	YES
Appendix I – Exempt Information	NO
Appendix J – HR advice	YES
Appendix K – ICT	YES