

Report to: **Executive**

Date: **18 July 2019**

Title: **Adoption of the Totnes Air Quality Action Plan**

Portfolio Area: **Environment – Cllr Baldry**

Wards Affected: **Dartington, Littlehempston and Marldon, and Totnes Wards**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:
Referral to Full Council for adoption on the 25 July 2019

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Recommendations:

1. That the Executive consider the proposed Air Quality Action Plan for Totnes (attached at Appendix 1) and **RECOMMEND** to Full Council that the Action Plan is adopted.

1. Executive summary

- 1.1 In December 2018 the Council determined to adopt the Clean Air Strategy and Air Quality Action Plans for Ivybridge and Dean Prior, however at the time the action plan for Totnes was still being rewritten following public consultation.
- 1.2 This report asks that the Air Quality Action Plan for Totnes be considered, it having now been consulted on and reworked subsequently.

2. Background

- 2.1 The Environment Act 1995 lays down a number of statutory duties for Local Authorities regarding the management of air quality in their districts. Once an Air Quality Management Area (AQMA) has been declared under Section 82 of the Act, then the Council is under a duty to produce an action plan describing how it intends to tackle the problem and within what timescale.

- 2.2 In April 2016 Members considered a report recommending that the AQMA for Totnes be amended to incorporate True Street Junction. This Order was duly made following decision at Full Council on the 25th June 2016. A copy of the Council's AQMAs can be found on our website, along with the annual status reports we produce for DEFRA each year (<https://southhams.gov.uk/article/3902/Air-Quality>).
- 2.3 Following the amendment to the AQMA order the Council was under a legal duty to undertake a review of its Air Quality Action Plan (AQAP). Following the declaration, meetings were held with Devon County Council highways team to ascertain what measures would have a positive impact and be deliverable.
- 2.4 As part of the previous public consultation events the author sought comments on the AQAP with the local parishes and town Councils, and he also attended various public meetings and sought proposals that could have a positive impact.
- 2.5 Following the previous public consultation the AQAP plan has been developed in conjunction with the current and former Totnes and Dartington members.
- 2.6 This revised AQAP has a number of additional measures that were not fully explored previously and it is believed that the plan has improved because of this.

3. Outcomes/outputs

- 3.1 The proposals within the AQAP plan will hopefully be delivered through partnership working with Devon County Council. The County has a pot of money available due to S.106 receipts from developments within the Totnes, Dartington and Berry Pomeroy areas.
- 3.2 Following the adoption of the Air Quality Action Plan further meetings will be held with Devon County Council to finalise a project plan to deliver these measures in a timely manner.
- 3.3 Certain projects such as the installation of electric vehicle charging points are being progressed at the moment. The Council along with Devon County Council were successful in obtaining grant funding to pay towards the installation costs. It is hoped that there will be units installed in Totnes in the 2020/21 financial period.
- 3.4 As required by legislation the Council will continue to monitor levels of Nitrogen Dioxide in the air quality management area and report on the results through the annual status report for DEFRA.

4. Options available and consideration of risk

4.1 The Air Quality Action Plan highlights a number of options that are available and analyses the cost/environmental benefit of each approach. Certain options such as the promotion of a by-pass for Totnes or compulsory purchase of properties are not deemed appropriate to consider further at this time, whilst other options remain available.

5. Proposed Way Forward

5.1 The tables on pages 12 and 13 of the AQAP list the proposed measures that is believed should be sought to be delivered.

5.2 Should the AQAP plan be delivered then it is highly likely to have a positive impact on air quality for the residents of Totnes, Dartington and Berry Pomeroy as well as other surrounding parishes. As well as providing improvements to services in those areas.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance		<p>The UK government has a duty imposed on them by the European Union directive 96/62/EC and 99/30/EC.</p> <p>The UK Government were successfully sued by pressure group Climate Earth in April 2015, due to their inaction in resolving air quality problems. The Localism Act 2013 allows the UK Government to pass any fines received in European Courts to local authorities if the fine is due to the failure of an authority.</p> <p>The Council has a legal duty under the Environment Act 1995 to review and assess air quality in their area. It also has a duty to prepare adequate plans to address air quality deficiencies within its area.</p> <p>The objective limits that the Council should be achieving are set in the Air Quality Regulations 2000, and the Air Quality (England) (Amendment) Regulations 2002.</p>
Financial implications to include reference to value for money		<p>There is no immediate financial implications to the Council due to this recommendation. The Council has previously approved the setting up of a reserve to pay towards the cost of delivering electric vehicle charging points in our car parks.</p>

		Should the Council fail in its duty to manage the air quality problems in its area then there is a risk that any future fines received by the UK government could be passed down to the local authority.
Risk		Should the Council fail to adopt an appropriate air quality action plan then we could be viewed as being in breach of our legal duties.
Supporting Corporate Strategy		<p>The adoption of an appropriate air quality action plan supports the Environment part of the corporate strategy by helping to protect, conserve and enhance the built environment in Totnes and the surrounding areas.</p> <p>The action plan will also have a positive impact on the health and wellbeing of the occupants of the properties within the air quality management area as it will help to reduce their exposure to nitrogen dioxide and other emissions associated with road transport.</p>
Comprehensive Impact Assessment Implications		
Equality and Diversity		None foreseen
Safeguarding		None foreseen
Community Safety, Crime and Disorder		None foreseen
Health, Safety and Wellbeing		
Other implications		

Supporting Information

Appendices:

Appendix 1: Air Quality Action Plan for Totnes

Background Papers:

None

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No

Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes/No
Accessibility checked	Yes/No