

<u>REPORT TITLE</u>	Environment Act 1995, Part IV Air Quality Action Plan 2019 to 2024
<u>Submitted by:</u>	Head of Environmental Health/ Environmental Protection Team Manager
<u>Portfolio:</u>	Environment & Recycling
<u>Ward(s) Affected:</u>	All

Purpose of the Report

To inform committee of the responses and feedback from members of the public, and other bodies regarding the contents of the draft Air Quality Action Plan (AQAP), and formally adopt the document.

Recommendations

1. Approve alterations and updates to the AQAP 2019 to 2024
2. Formally adopt the AQAP 2019 to 2024.
3. Submit the adopted AQAP to DEFRA and incorporate any recommendations into a revised AQAP.
4. Receive future reports on progress on measures and proposed updates.

Reasons

Under Part IV of the Environment Act 1995, local authorities are required to assess air quality in their area against a range of statutory air quality objectives. Where exceedances are identified, air quality management areas must be declared and air quality action plans developed to improve air quality. The action plans must be formally consulted on, with relevant comments taken into account before they are formally adopted.

1. Background

- 1.1. In January 2015, the Borough Council's Public Protection Committee declared four air quality management areas (AQMA's) in the Borough due to exceedances of the annual mean objective concerned with nitrogen dioxide (NO₂) at a number of "relevant locations".
- 1.2. [Appendix A](#) gives the locations of these AQMA's.
- 1.3. As a result of declaring the AQMA's, the Borough Council developed Air Quality Action Plans (AQAP's) which are designed to reduce levels of Nitrogen Dioxide to below the statutory objective level at relevant locations.
- 1.4. As nitrogen dioxide levels within the Borough are heavily influenced by road traffic emissions, the identified action plan measures seek to reduce levels of NO₂ principally by focusing on traffic and congestion management supported by a range of complementary measures.
- 1.5. This committee approved a formal consultation on the AQAP in Summer 2018. This was undertaken for period of eight weeks in September and October 2018. Responses have been received from members of the Public, neighbouring Authorities and Highways England. All comments received have been reviewed and the action plan amended as appropriate.

- 1.6. Once the Action Plan is formally adopted it will become a material consideration in the development of the emerging local plan and in the determination of planning applications. It must also be taken account in the preparation of the County Council Local Transport Plan for the Borough and by Highways England for any major projects relating to the strategic highway network.

2. AQAP's Consultation Response

Comments from members of the Public

- 2.1. The principle method of public consultation was via an AQAP's Questionnaire, which was publicised on the Council's website between September and October 2018.
- 2.2. The questionnaire had 24 respondents. Details of the responses can be found in [Appendix B](#).
- 2.3. The proposed changes to the Wolstanton-Porthill A500 junction received the most positive response, with 58% of respondents stating that they felt this change would improve traffic flow and reduce air pollution in the area.
- 2.4. Respondents were not convinced that the proposed changes in Kidsgrove (alterations to how vehicles access 'Heathcote Street' & 'The Avenue') would result in a positive change.
- 2.5. 79% of respondents stated that they did not feel that enough was being done to promote alternative forms of transport within the Borough, stating that;
 - The buses are too expensive
 - The bus services need to be updated to meet 'peak' time demands
 - A number of bus services are being withdrawn
 - Road cycling within the Borough is unsafe
 - Lighting provision of cycle lanes needs to be addressed
 - Increased number of cycle lanes/ routes is needed
 - Lack of secure parking facilities to encourage the public to leave their vehicles and walk

Comments from Highways England

- 2.6. No concerns about the proposed Action Plan measures.

Requested that moving forward, information regarding monitoring and modelling of the May Bank-Wolstanton-Porthill AQMA, be provided to the Highways England A500 Etruria project team. This information has already been made available to the project team and will continue to be made available. In addition your officers have sought information from Highways England concerning the air quality impacts on the Borough caused by their junction improvement works to the A500 junctions at Porthill and Wolstanton.

Comments from Tamworth Borough Council

- 2.7. No comments made about the proposed Action Plan measures.

Comments from Stoke on Trent City Council

- 2.8. Consideration is to be given to revoking the AQMA at Little Madeley as NO₂ levels have remained below the annual mean objective for the past 2 years.
- 2.9. More up to date traffic data is needed to support the proposed action plan measures.
- 2.10. Reference to the recent Ministerial Direction is to be included in the action plan.
- 2.11. Reference to be made to the new policies in the Joint Local Plan, particularly looking at housing and employment growth.
- 2.12. Include the following [Core Spatial Strategies](#) in the Action Plan CSP1, CSP3, CSP4 and CSP5

3. Ministerial Direction to Address Air Quality

- 3.1. Following advice from consultants appointed by Government to assist local authorities with the air quality management function, a section on the Ministerial Directions served on the Borough Council in October 2018 has been included. These have also been incorporated into the action plan for Newcastle under Lyme as MD1 (Bus retrofit Direction) and MD2 (Assessment of Further Measures Direction).
- 3.2. It is considered that this provides a comprehensive understanding of the current air quality picture within Newcastle under Lyme and the work being undertaken to bring about compliance with legal requirements designed to protect public health

4. Proposed amendments to AQAP

- 4.1. The comments received as part of the consultation have been, noted. Where appropriate, these have been incorporated into the Air Quality Action Plan. Given the size of the document this is available to view electronically on the agenda or in hard copy upon request. The opportunity has also been taken to further review policies and initiatives which the Council is involved in which have emerged since the consultation draft was issued. Accordingly the Action Plan for 2019 – 2024 now also includes the following and it is recommended that the following changes are made to the AQAP to be adopted;
 - 4.1.1. Commentary on non-compliance with Ambient Air Quality Directive on the A53 and the resulting Ministerial Directions served on the Borough;
 - 4.1.2. Core National and Local Policies section updated to include relevant air quality supportive policies within the National Planning Policy Framework 2018 and also the Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006 to 2026;
 - 4.1.3. Within the Borough Wide Air Quality Action Plan, inclusion of the following:
 - 4.1.3.1 BW8 Develop policies to promote Electric vehicle charging infrastructure in the Development Planning Process;
 - 4.1.3.2 BW9 Support and participate in appropriate initiatives to encourage uptake of Zero and Low Emission Vehicle Technologies;

4.1.3.3.BW10 Review the Borough Council's Hackney Carriage and Private Hire Licensing Policy to reduce tail pipe emissions from this sector;

4.1.3.4 BW11 Transition the Council Vehicle fleet to Zero and Low Emission Vehicle Technologies.

4.1.4 Within the Newcastle under Lyme Air Quality Action Plan, inclusion of the following:-

4.1.4.1. MD1 Ministerial Direction to implement bus retrofit scheme for public bus service using A53 between Sandy Lane and A500/A53 Roundabout at latest by 2021 and in the soonest possible timeframe;

4.1.4.2. MD2 Ministerial Directions served on NULBC and SOTCC requiring Further Evaluation of measures to achieve compliance with the Ambient Air Quality Directive requirements for Nitrogen Dioxide in the soonest possible timeframe.

5. Recommendation

5.1 Approve alterations and updates to the AQAP 2019 to 2024 (Given the size of the document this is available to view electronically on the agenda or in hard copy upon request)

5.2 Formally adopt the AQAP 2019 to 2024.

5.3 Submit the adopted AQAP to DEFRA and incorporate any recommendations into a revised AQAP.

5.4 Receive future reports on progress on measures and proposed updates.

6. Outcomes Linked to Sustainable Community Strategy and Corporate Priorities

6.1. The report supports the Council's vision of "*Good local services, a prosperous borough and safe and welcoming places for all*", and the four corporate priorities:

- Local services that work for local people.
- Growing our people and places.
- A healthy, active and safe borough.
- A town center for all.

7. Legal and Statutory Implications

7.1. Under the provisions of the Part IV of the Environment Act 1995, as the Borough Council has declared four AQMA's it is required to produce and consult on the AQAP's and to consider any representations prior to them being formally adopted.

7.2. Borough Council Officers will be responsible for monitoring the delivery of the identified action plan measures, with the responsibility for implementation resting with the relevant identified body.

- 7.3. By virtue of paragraph 123 of the National Planning Policy Framework, the action plans, once formally adopted, will become a material planning consideration in the determination of future planning applications by both the Borough Council as the Local Planning Authority and also the County Council in its dual roles as the Waste Planning Authority and the Mineral Planning Authority.
- 7.4. Both Highways Authorities for the Borough (Staffordshire County Council and Highways England) are expected to have regard to the AQAP in developing and updating their transport plans for the Borough.

8. Financial and Resource Implications

- 8.1. Progress on delivering the action plans will be reported in the statutory Annual Status Reports which are presented to DEFRA. This will also be the subject of future reports to this committee. Existing staff and budgets within Environmental Health will be used for this purpose.
- 8.2. Funding of action plan measures rests with the action owner. Where appropriate, grant funding applications will be made to help deliver action plan measures.
- 8.3. Current and future planning policies may also assist the delivery of some of the measures.

9. Major Risks

- 9.1. Failure to make satisfactory progress on improving local air quality may leave the Council open to legal action by affected individuals and representative organisations as well as to formal intervention by Central Government under part IV of the Environment Act 1995 and for central government to pass down any court fines to local authorities Localism Act 2011.

10. Earlier Committee Resolutions

Public protection report 27 June 2018

11. Background Papers

- Statutory Air Quality reports for Newcastle under Lyme since 2012 available from [Air Quality in Newcastle-under-Lyme | Newcastle-Under-Lyme Borough Council](#)
- [Environment Act 1995 Part IV](#)
- [Local Air Quality Management Technical Guidance TG16](#)
- [Local Air Quality Management Policy Guidance PG16](#)
- [Core Spatial Strategies](#)

APPENDIX A
AQMA Locations

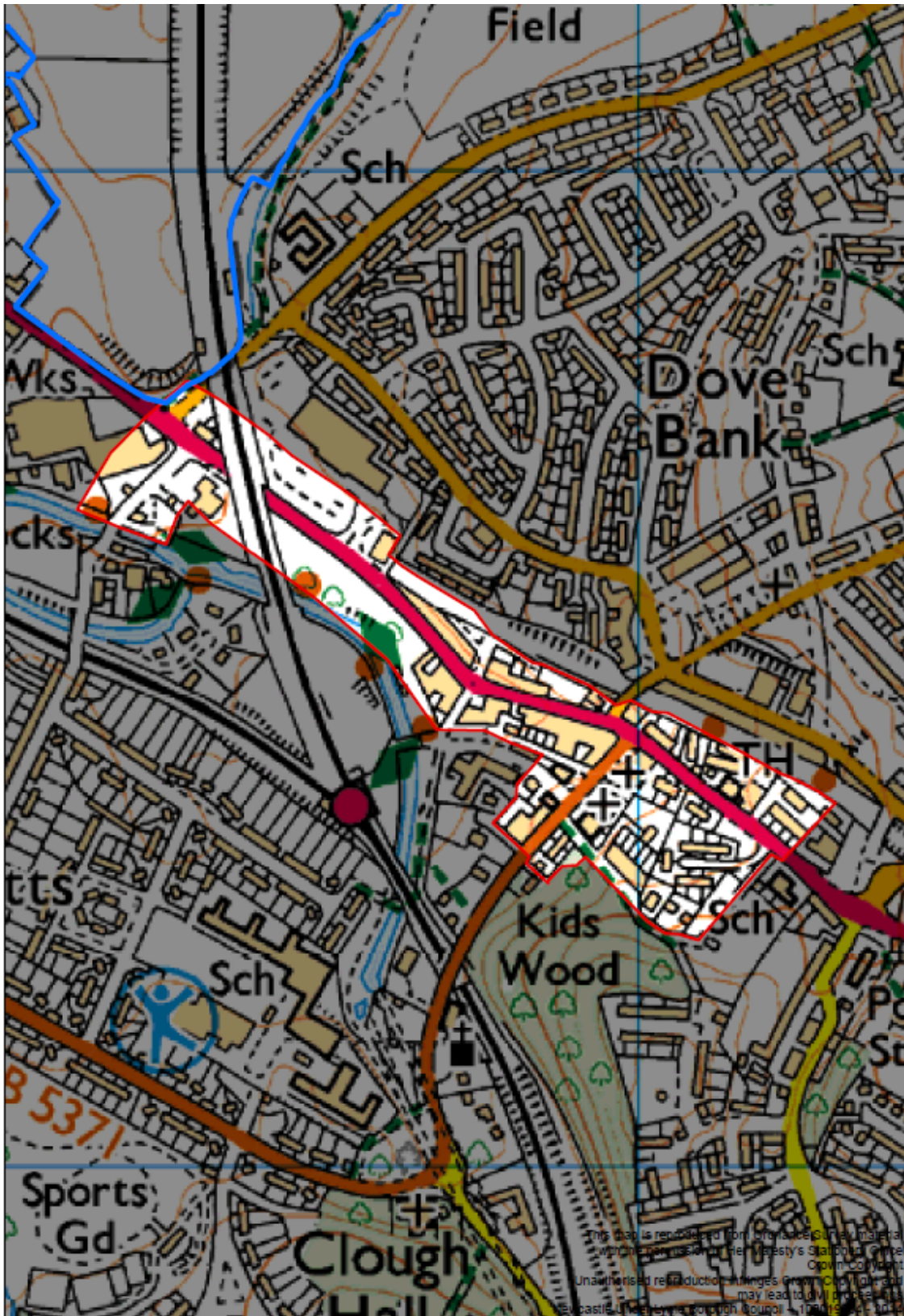


Figure 1: Kidsgrove AQMA

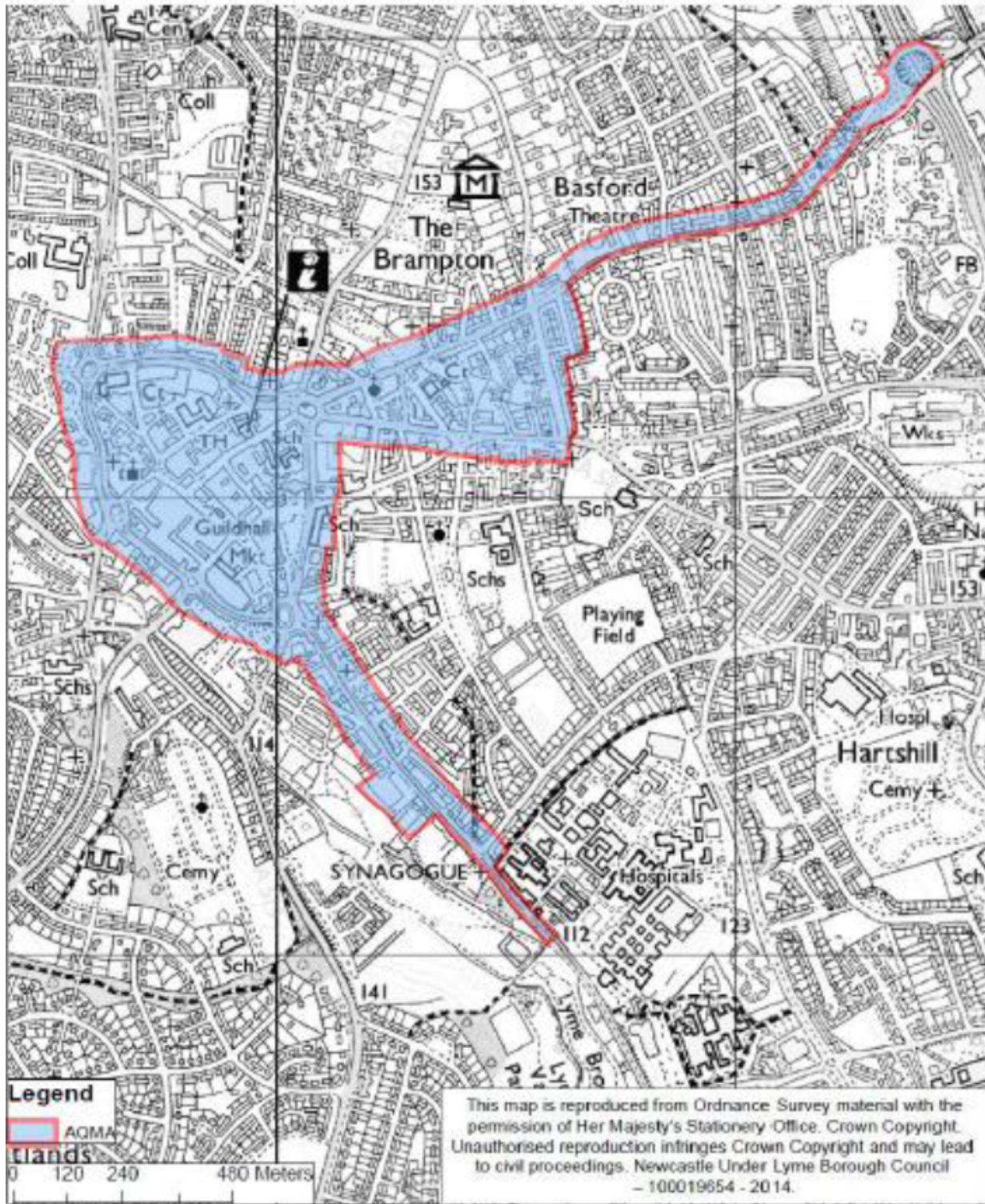


Figure 2: Newcastle-under-Lyme Town Centre AQMA

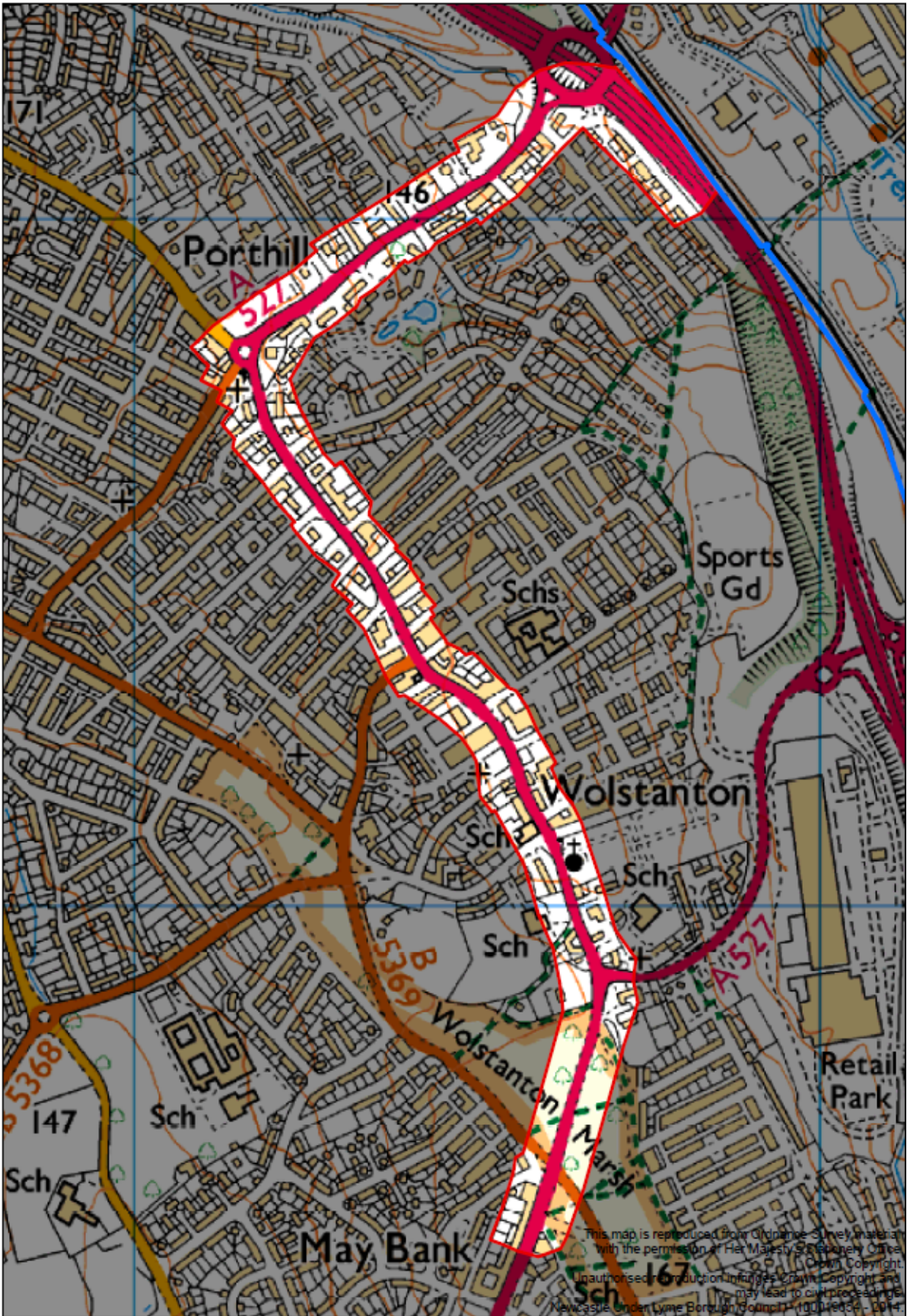


Figure 3: May Bank - Porthill - Wolstanton AQMA

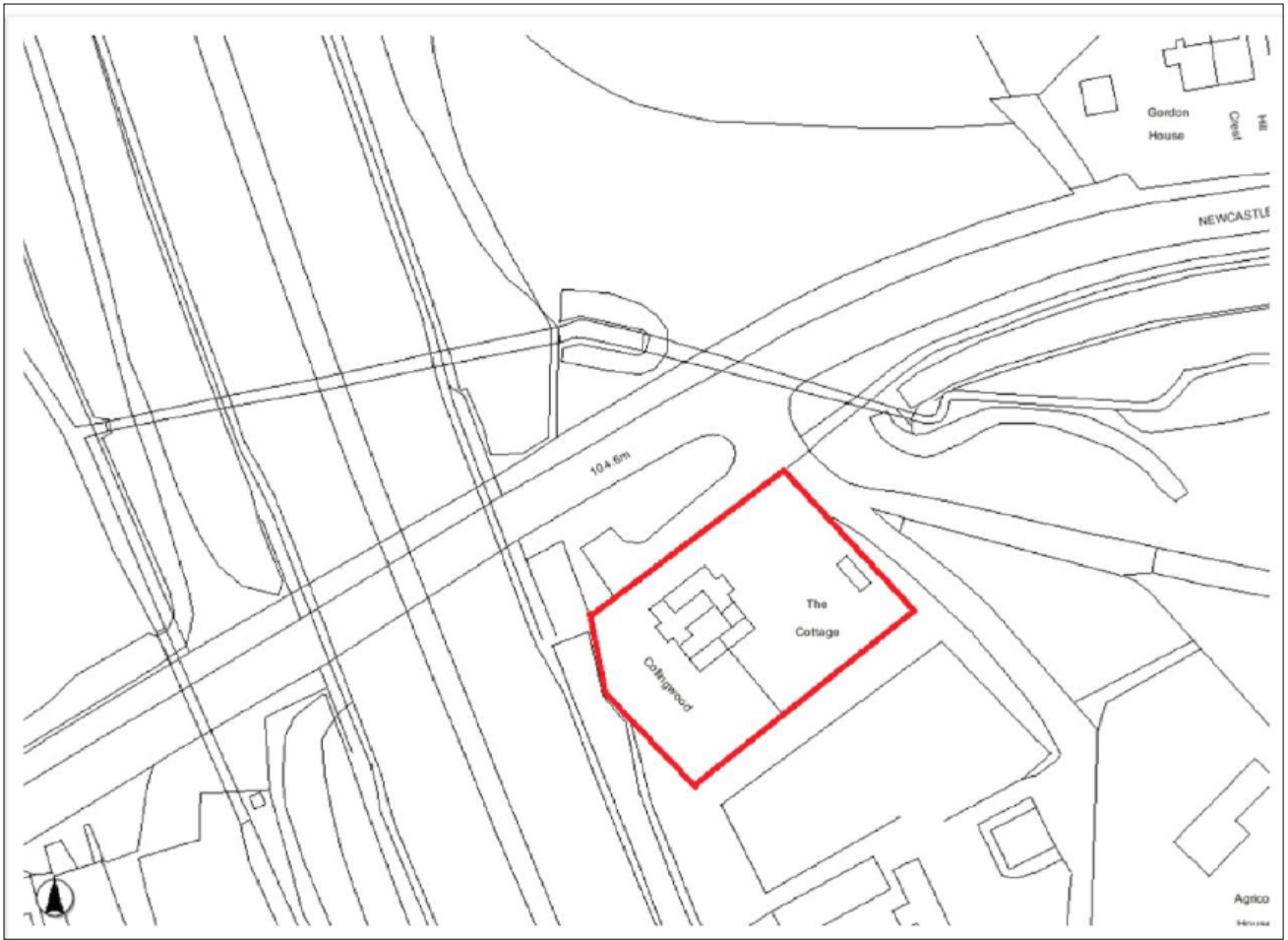


Figure 4: Madeley AQMA

APPENDIX B

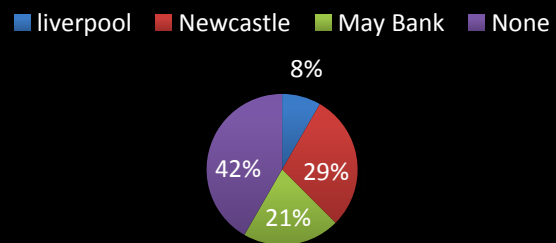
Online responses to the AQAP Consultation

From 7 September to 28 October there were 24 responses but not all respondents answered every question.

Q1) Do you live in one of the Air Quality Management Areas?

- 14 of the 24 respondents did live in one of the AQMAs:
- 2 in Liverpool Road, Kidsgrove
- 7 in Newcastle Town Centre
- 5 in May Bank / Wolstanton / Porthill
- None in Little Madeley
- 10 did not live in any of them.

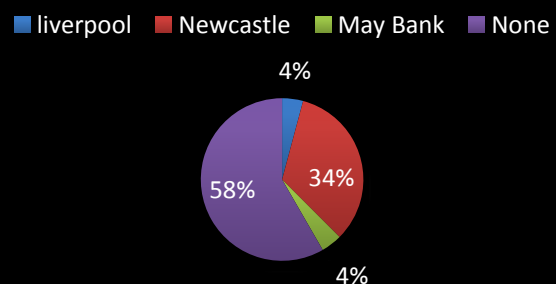
% of Respondents living in AQMA's



Q2) Do you work in one of the Air Quality Management Areas?

- 10 of the 24 respondents did work in one of the AQMAs:
- 1 in Liverpool Road, Kidsgrove
- 8 in Newcastle Town Centre
- 1 in May Bank/Wolstanton/Porthill
- None in Little Madeley
- 14 did not work in any of them.

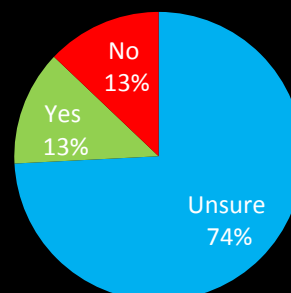
% of Respondents working in AQMA's



Q3) Do you feel that changes to the road layout and traffic movement in Kidsgrove would improve traffic flow and help to reduce air pollution??

- 23 Responses to this question
- Responses to this question were fairly non-committal.
- 4 respondents (17.5 per cent) thought that they would improve things
- 4 respondents (17.5 per cent) thought that they would not
- 15 respondents (65 per cent) said that they did not know.

% of Respondents Supporting Changes to Road Layout in Kidsgrove

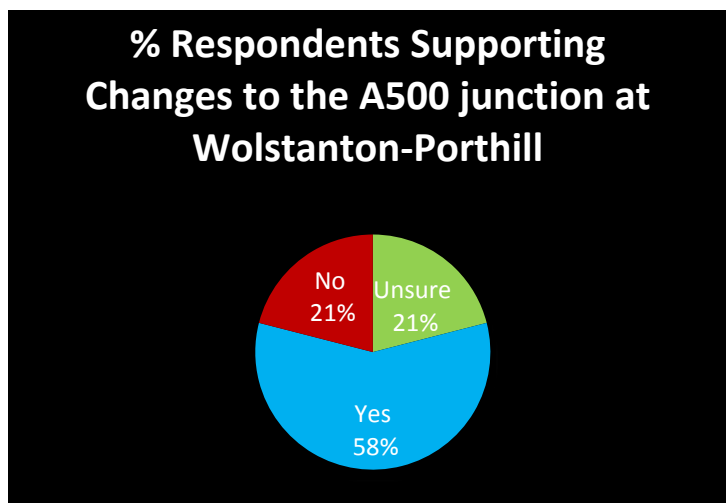


Four respondents took the opportunity to add further comments:

- As there is just one main road through Kidsgrove I'm struggling to understand how you might change the road layout to improve air quality.
- It depends on what the plan is.
- The proposed Lidl store on Liverpool Road would increase traffic pollution
- Traffic queues across the junction with the Avenue and Liverpool Road and freeflow is impeded by the bus stop outside the church and on-street parking. Banning right turns from Liverpool Road into Heathcote Street would also help or alternatively a Box Junction on the Tunstall bound lane to prevent queuing across the junction

Q4) Do you feel that changes to the Wolstanton-Porthill A500 junction would improve traffic flow and help to reduce air pollution?

- Responses to this question were more positive
- 58% thought that the changes would help
- 21% thought that they would not help
- 21 % did not know.

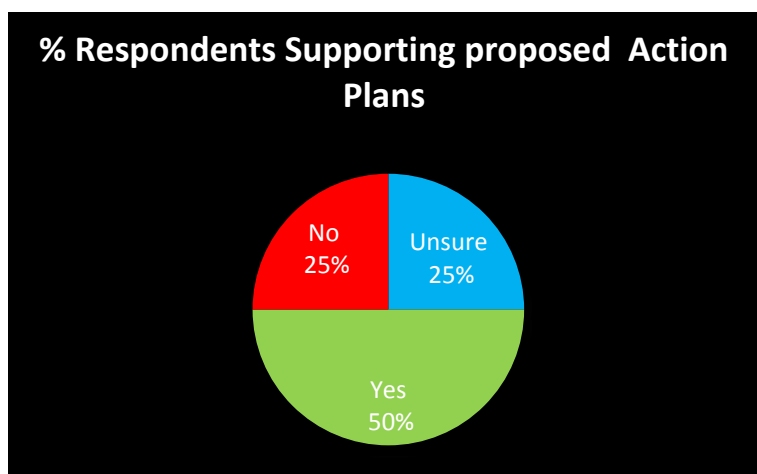


Six respondents left the following comments:

- That particular junction would flow quite well if the standard of driving improved, too many people get in the wrong lane or block the top of slip roads because they don't want to "Lose" their place in the queue. It's usually the knock-on effect from Trubshaw Cross roundabout that cause most problems.
- Add another lane going down Porthill Bank at the bottom so that traffic can filter left directly onto the A500 northbound going towards Crewe. In reality though, changes need to be made in Middleport, in particular when several people in close succession press the button on the pelican crossings
- It depends on what the plan is.
- Lots of traffic have their engines idling while they wait in the ridiculously long traffic for the majority of that road
- Will lead to increase of traffic
- This has the potential to improve AQ for people in Etruria Road and the Town Centre. However additional traffic may flow through May Bank which is located within an area of poor air quality. Opportunities to improve the flow of traffic along this route should be explored

Q5) Do you agree with the actions to improve air quality across the borough?

- 50% said that they did agree with the actions
- 25% did not agree
- 25% did not know

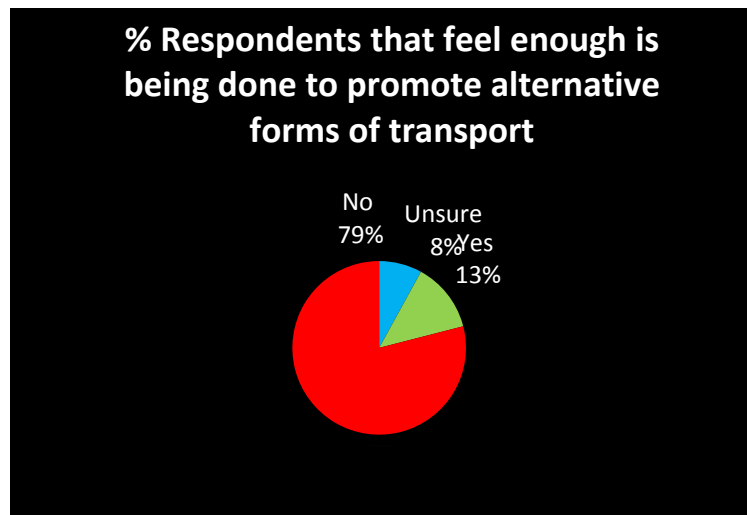


Six respondents left the following comments:

- Ring roads, one way streets and some streets blocked off creates a single route traffic flow that is bound to increase pollution.
- Every little helps
- Actions not very clear to non-council/highway employees. If the action is a major two year rebuild of a500 Junc to improve traffic flow then I would want more info on that plan before agreeing with actions.
- I don't know what the actions are
- There is no yes and no. There is insufficient details as to how they will be achieved and what targets there are for the mitigation measures (e.g. how many private car trips are reduced from cycling improvement measures). It is risible that the Ryecroft development has been approved without a full understanding of the impacts on air quality (I did point this out at the time - it should have been an EIA due to potential to increase pollutant levels already in excess of EU limits - but NUL don't do EIA). There should be a requirement for Electric car provision at this development as part of the reserved matters as a minimum. There is a promotion of housing estates with poor connectivity that will rely on private cars in the emerging local plan
- Not enough action is being proposed. I would like to see private hire, taxis and parents collecting or dropping off their children to or from school prohibited for leaving the engine running in their car whilst waiting which on Garden St ST5 1BW, parents regularly do.

Q6) Do you feel that enough is done to promote alternative forms of transport (walking, cycling, use of buses) within the borough?

- 79% said no
- 13% said yes
- 8% did not know



Nine respondents left the following comments:

- Bus are far too expensive. More people would gladly use them if the cost was more reasonable. In Manchester you paid one fare and could travel all over the place
- Bus timetables should be frequently be posted through doors reminding people of the services nearby, but timetables on bus shelters are too small to read. And invest in rush hour bus services only 7-9am and 4-7pm in areas with little or no services
- Proper cycle lanes to encourage people to use their bikes to travel, take a look at the Netherlands! Also truly secure bike storage facilities so people can leave their bikes.
- Lighting needs to be improved along off road cycle routes especially station walks.
- There is no safe cycle lanes granted there are cycle paths away from the main roads however they are not well lit and I get scared to use them after dark
- It's also very difficult due to the hills in S-o-T/N-u-L to encourage cycling - it would be good to see how this is going to be brought forward effectively - signage is not enough. Schools should be encouraged to promote cycling (some schools in Borough have banned bikes) - school run results in significant congestion and emissions - same for Keele University
- Bus service is awful and cycling is dangerous.

- Living and working in one of the AQMA areas I see little evidence that walking or cycling is promoted. Increasing the use of buses is hampered by cut backs in bus services - many people cannot use buses simply due to the absence of a service where & when they need it.
- Need far more cycle routes especially for students in the town to travel
- Not enough being done to promote cycling/ training subsidies, planning policies, lack of secure parking and to encourage parents and kids to avoid car journeys to school. Parking near schools should be restricted to ensure that air quality around schools is not worsened at peak times. Bus service is unreliable and is being withdrawn in areas.

Q7) Are you aware of any other action happening in your area which could improve air quality and should be included in the Air Quality Action Plan??

13 respondents here who took the opportunity to make further remarks

- You need to be looking at Chesterton and the traffic to the industrial estate Holditch and recycling plant. Air pollution is terrible. Have you monitored it lately?
- If the public transport services were improved perhaps more people would use them. I drive. I won't use the Bus because they are not very 'user-friendly'. The number of postings on social media about how dirty and smelly they are, about how unsafe people feel, about how rude and disrespectful the drivers are, is unbelievable. Buses are unreliable, unsafe for the rider, are not user-friendly, ill-equipped to keep an eye on the driver and the riders. Buses need a Driver and a Conductor/Overseer.
- Sorry but I've worked in the transport industry all my life and I have never had a health problem i think the problem is with the fuel companies in what they add to try and make it better like putting silicone additives in the fuel to stop it foaming up when fuelling your vehicle up
- Stop the parking along The A34 around the Hospital area from Occupation Street to past RSUH on both sides of the road. This will mean traffic can move more freely on both lanes and less congestion at the sets of traffic lights.
- I think you may need to consider a more public facing document.
- A comprehensive document but could benefit from planning policies incorporating extra provision for electric charging points (such as in a parking strategy or new homes).
- More emphasis should be placed on creating and planting woodland, encouraging residents to plant trees and maintaining the trees in the community. Trent Vale recently felled half a dozen ash trees so that people could park next to the fast food shops. Walking has become inconvenient for some of the population of the county.
- Unfortunately little will be achieved unless levels of car usage significantly reduces
- These are pretty lacklustre and are just relying on the move to cleaner vehicles and EV rather than actually doing anything
- Very poor
- Car sharing initiatives could also help.
- Need to just use better enforcement of yellow lines on Liverpool road and create more parking that is clear for people to use. It also needs the traffic lights bringing into sync.
- Policies should be developed to require EV charging infrastructure and cycle storage / subsidised bus travel for new development as appropriate and also to promote energy efficiency / sustainable energy generation. The Council should lead by example and take the initiative to reduce NO₂ and PM₁₀ emissions from its fleet and estate. The Council should also work in partnership with local business to encourage energy efficiency and sustainable / low emission transport. Planning polices and work in conjunction with Stoke and Public Health. The Council should also have polices to support alternative clean fuel and vehicle technologies. Developments should be located within walking cycling distance of key services and be accessible to reduce reliance on the car. More infra-structure within the towns and villages to promote cycling.