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| REPORT TO: | ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE | AGENDA ITEM: 5 |
| DATE OF MEETING: | 21st APRIL 2021 | CATEGORY: RECOMMENDED |
| REPORT FROM: | ALLISON THOMAS, STRATEGIC DIRECTOR – SERVICE DELIVERY | OPEN |
| MEMBERS' CONTACT POINT: | MATT HOLFORD, matthew.holford@southderbyshire.gov.uk, 01283 595856 | DOC: |
| SUBJECT: | AIR QUALITY POLICY | REF: |
| WARD(S) AFFECTED: | ALL | TERMS OF REFERENCE: EDS01, EDS14 |

1. Recommendations

1.1 That the Committee approves an Air Quality Policy for South Derbyshire.

2. Purpose of Report

- 2.1 To advise Committee of recent statutory and policy developments relating to air quality.
- 2.2 To propose the adoption of an Air Quality Policy for South Derbyshire to synchronise with the Derbyshire County and Derby City Air Quality Strategy 2020-30.

3. Background

- 3.1 South Derbyshire District Council has had a statutory duty to review and assess air quality since the introduction of the Environment Act in 1995. This duty requires the Council to review and assess air quality across the administrative area of the Council. This assessment must establish if there is any human exposure to any of seven key pollutant gases which exceed Air Quality Limit Values set down in the Air Quality Standards Regulations 2010.
- 3.2 Where evidence of exceedances of these health-based Limit Values are established, then the Council has a legal duty to declare an Air Quality Management Area (AQMA) and to develop an Air Quality Action Plan (AQAP) to work towards achieving these Limit Values within the fastest possible time.
- 3.3 It is also a legal duty for the Council to publish an annual Air Quality Status Report to demonstrate to DEFRA that it is meeting the duties laid out in the Environment Act.
- 3.4 Air quality exceeds the Limit Values in approximately half of Council's across the UK. There are roughly 610 AQMAs in the UK. Most of these have been declared due to the impact of emissions from road traffic.

- 3.5 All previous annual assessments have determined that air quality in South Derbyshire meets the Air Quality Limit Values, and so no local AQMA has been declared. The latest version of the South Derbyshire Annual Status Report is published on our website at [Air quality | South Derbyshire District Council](#)
- 3.6 However, there is emerging evidence that exposure to airborne pollution may have greater health impacts than were originally understood when the Environment Act was enacted. The impacts of air quality over the full human lifecycle have been summarised in an influential joint report published in 2016 from the Royal Society of Physicians and Royal Collage of Paediatrics and Child Health "[the Lifelong Impact of Air Pollution](#)"
- Based on current estimates, air pollution is the top environmental risk to human health in the UK, and the fourth greatest threat to public health after cancer, heart disease and obesity.
 - The Department of Health and Social Care's Advisory Committee on the Medical Effects of Air Pollutants (COMEAP) have recently estimated that long-term exposure to man-made air pollution in the UK has an annual impact on shortening lifespans, equivalent to 28,000 to 36,000 deaths every year.
- 3.7 As a result of the increasing evidence of the adverse health impact of air quality, there has been an increased imperative within the public health community to deal with its causes and effects. Cleaner air was identified as one of the top 10 priorities for Public Health England (PHE) in their 2020-25 Strategy.
- 3.8 In 2019 the UK Government also published a new [Clean Air Strategy](#) for the UK, which set out a range of actions to improve air quality across the country.
- 3.9 In response to the PHE Strategy, the Directors of Public Health for Derbyshire and Derby have identified air quality as being an important factor in ensuring healthy local communities. A Derbyshire County and Derby City Air Quality Strategy 2020-30 was jointly approved by the Derby and Derbyshire Health and Wellbeing Boards in January 2020.
- 3.10 The Derbyshire County and Derby City Air Quality Strategy contains the core vision that "*Together we will reduce the health impact of poor air quality for the people of Derbyshire County and Derby City*" along with a set of guiding principles, strategic priorities and quantitative outcomes.
- 3.11 The Environment Bill is currently progressing through Parliament. The Bill makes a clear commitment to set an ambitious, legally binding target for the pollutant with the most significant impact on human health, fine particulate matter. The Bill also mandates that the government will set at least one further long-term air quality target.

4. Purpose and Contents of the Proposed Air Quality Policy

- 4.1 There is no statutory duty on the Council to adopt an air quality policy. However, in officer opinion the adoption of a Policy at this stage offers the following benefits:
- The proposed Policy provides South Derbyshire Councillors and residents with a clear and simple set of measures against which to understand current and future air quality in the District.
 - The proposed Policy sets air quality targets which offer a significant improvement over and beyond the statutory targets contained in the Air Quality Standards

Regulations 2010. This reflects the emerging evidence over the last decade that there are health impacts at exposure levels below the existing Air Quality Limit Values. Moreover, it provides a tangible proof that the Council is living by its Corporate Plan aim of 'Our Environment' and keeping a clean, green District for future generations.

- Currently the Council has very little influence where development is likely to worsen air quality but will not breach Air Quality Limit Values. The adoption of the proposed Policy will give the Council some leverage where development proposals are in breach of the Policy, even where it does not breach environmental law or planning policy.
- It can be expected that new air quality duties and targets are delegated to local authorities once the Environment Bill becomes law and any subsequent Regulations are brought into effect. The adoption of the proposed Policy will therefore put the Council two or three years ahead of the curve of anticipated changes in law.

4.2 The content of the Policy has been produced to closely reflect the content of the Derbyshire County and Derby City Air Quality Strategy 2020-30 ('the Strategy').

4.3 It contains a single objective – namely to reduce the health impact of poor air quality for the people of South Derbyshire. It also contains four key priorities, three of which match the Strategy, plus a fourth to ensure that any conflicts between air quality and the Council's key aim of reducing climate change are harmonised as much as possible.

4.4 The Policy contains a number of quantified outcomes. All of the outcomes reflect the same metrics as are contained in the Strategy; are set at meeting targets which exceed the current statutory standards and are set at targets which ensure progressive improvement in air quality. This reflects the aspiration of continuous environmental improvement in accordance with the Council's ISO14001 environmental management standard.

5. Financial Implications

5.1 There are no direct financial implications to adopting the proposed Policy other than it commits the Council to maintaining the existing resource commitment to monitoring and reviewing air quality.

6. Corporate Implications

Employment Implications

6.1 None.

Legal Implications

6.2 The Policy is not a statutory document and there is no form of challenge to it other than the normal form of judicial review against any Council action by a disgruntled party.

6.3 The adoption of the Policy may offer additional leverage (for example in a Planning Inquiry) to support the Council in resisting matters which may be contrary to the Council's aspirations, but for which there is no other existing means of objection.

Corporate Plan Implications

6.4 The proposals align with the “Our Environment” priority of the Corporate Plan.

Risk Impact

6.5 None.

7. Community Implications

Consultation

7.1 The content of the Derbyshire County and Derby City Air Quality Policy has already been the subject of extensive consultation led by Derbyshire County Council Public Health.

Equality and Diversity Impact

7.2 None.

Social Value Impact

7.3 Beneficial.

Environmental Sustainability

7.4 The Policy reflects the positive environmental aspirations of the Council and has been identified as an opportunity within the ISO14001 risk and opportunity register.

8. Conclusion

8.1 That the Committee approves the South Derbyshire Air Quality Policy 2020-24.

9. Background Papers

All relevant papers have been hyperlinked in the body of the report.

