

Scrutiny Committee call-in meeting – Air Quality Action Plan (AQAP)

Officers' comments on the matters to which reference is made in the call-in notice are as follows:

The Council has a legal duty to take action towards meeting their air quality objectives. As part of this process, the Council is required to present the AQAP to DEFRA to comply with these requirements. This is a legal requirement.

DEFRA has been consulted on the current draft AQAP and no comments have been received. DEFRA is expected to scrutinise the AQAP upon its adoption by the Council. Should further amendments be necessary, directions will be given to the Council, and the AQAP will be reviewed in accordance with DEFRA's requirements. Any amendments will be put to Cabinet for approval. Based on our experience and in the absence of any consultation response, amendments to the AQAP are unlikely to be requested.

It should be noted that any proposal to delay the AQAP until after the local plan process is complete is unlikely to be supported by DEFRA. The AQAP should be regarded as independent to the Local Plan process.

Separate to the AQAP, DEFRA will expect that the local plan policies are in place to protect health and wellbeing of UDC residents and will therefore complement the AQAP, travel plan and any other initiatives that improve local air quality.

The Local Plan Policies have been drafted to ensure that development within or affecting AQMAs do not prevent compliance with the national air quality objectives.

It should also be noted that the Local Plan Policies look to integrate the delivery of the existing AQAP within the local plan. Supplementary Planning Technical Guidance will be prepared which will detail those circumstances when air quality assessments are needed, when mitigation is required and what form it must take.

The AQAP cannot apply specific and measurable targets to each measure. It outlines the actions/measures the Council is working towards, including those links with our partners to achieve long term improvements to air quality.

Where possible, specific targets for improvements in air quality will be developed. In accordance with the action plan, there will also be an annual audit of the progress made to ensure that the actions remain valid.

Members should also be aware that throughout the life of the AQAP and in accordance with our statutory obligations, the Council will continue to monitor air quality at a local level to show improvements. We are also required to report to DEFRA on progress to achieve compliance with the national AQ objectives. As part of this report delivery on the actions will need to be demonstrated.

Information supporting the use of SMART targets, or otherwise is provided in response to Cllr Deans specific comments below;

- **Overall the action plan as written is not adequately specific, measureable, attainable, relevant and timely (SMART).**

S.3 of the AQAP details the proposed actions, intended outcomes and broad timescale period for implementation. In recognition of the members concerns for (SMART) targets, where such targets can be applied, the additional column of the attached table has been populated.

- **In particular, but not exclusively, item numbers 1, 7 & 8, which will support the delivery of the Local Plan and will have high or medium impacts on air pollution, do not provide enough detail to give the reader confidence that they will support some of the options that may be included in the Local Plan. They are unspecific.**

It is inappropriate to apply SMART targets for items 1,7 & 8. The targets are intentionally unspecific as the outcomes are not under the control of the Council, requiring a number of deliverables that have no existing timeframe. A further detailed explanation for this is given below:

- *Item number 1 relates to the development of new policies for adoption by the local plan. Officers are currently drafting these policies and will be included within the Publication of the Local Plan and Pre-Submission Consultatio in accordance with the council's Local Development Scheme.*
- *Items 7 &8 both require ECC involvement to deliver the outcomes proposed. ECC have been consulted. According to statutory guidance ECC are required to engage in the action plan.*

In respect of item No 7, a decision on relevant junction improvements will depend on Local plan proposals and ultimately whether or not development is sought. It is not necessary to wait and have the local plan policies in place. SMART targets cannot be imposed due to the reliance on ECC delivering the improvements.

In accordance to measure 8, ECC have responded to the draft AQAP and have confirmed that signal improvements will be made irrespective of local plan policy. Once again, as there is a reliance for ECC to carry out these works it would be unreasonable to apply SMART targets in respect of this outcome.

- **The action plan needs to support relevant options that may be chosen for the local plan to allow for the right decisions to be taken on those options. Delaying the formulation of specific actions until after the Local Plan site selection decisions have been taken based on inadequate evidence to support their delivery would be contrary to the ethos of the Local Plan process. Currently the action plan is not timely.**

The action plan follows a comprehensive consultation exercise. It is also overdue. The proposed measures will support any option proposal determined by the local plan. The Local Plan policies are designed to prevent poor air quality regardless of options proposed. For some key measures SMART targets are not appropriate as the proposed outcome is beyond the control of UDC. Delays to the adoption of the AQAP are not justified.