

EXECUTIVE DECISION

made by a Cabinet Member




REPORT OF ACTION TAKEN UNDER DELEGATED AUTHORITY BY AN INDIVIDUAL CABINET MEMBER

Executive Decision Reference Number – ECC03 24/25

Decision				
1	Title of decision: Revocation of the Plymouth Air Quality Management Area for Nitrogen Dioxide			
2	Decision maker (Cabinet member name and portfolio title): Councillor Tom Briars-Delve (Cabinet Member for Environment and Climate Change)			
3	Report author and contact details: Nicola Horne nicola.horne@plymouth.gov.uk Tel 304556			
4	Decision to be taken: 1. To revoke the Air Quality Management Area for Nitrogen Dioxide in Plymouth.			
5	Reasons for decision: 1. Each local authority is legally required to monitor for air pollution and declare an Air Quality Management Area where levels exceed the air quality objectives. However, where the air quality objectives have been met for a period of 3 years or more the Environment Act 1995 and subsequent statutory guidance states that the Air Quality Management Area should be revoked, 2. This decision follows statutory legislation and guidance and intends to formally revoke the Air Quality Management Area to comply with legislative requirements.			
6	Alternative options considered and rejected: 1. Retain the Air Quality Management Area- there is no legal basis to retain the Air Quality Management Area and legislation states that it should be revoked.			
7	Financial implications and risks: There are no financial risks with revoking the Air Quality Management Area.			
8	Is the decision a Key Decision? (please contact Democratic Support for further advice) Please type an X into the relevant boxes	Yes	No	Per the Constitution, a key decision is one which:
			x	in the case of capital projects and contract awards, results in a new commitment to spend and/or save in excess of £3million in total
			x	in the case of revenue projects when the decision involves entering into new commitments and/or making new savings in excess of £1 million annually
			x	is significant in terms of its effect on communities living or working in an area

				comprising two or more wards in the area of the local authority.
	If yes, date of publication of the notice in the Forward Plan of Key Decisions	N/A		
9	Please specify how this decision is linked to the Council's corporate plan/Plymouth Plan and/or the policy framework and/or the revenue/capital budget:	The Council implemented a series of transport measures, which alongside Government initiatives has led to a reduction in air pollution across Plymouth. This is a key theme of the Corporate Plan, for greener streets and transport and keeping our communities safe by the reduction in levels of air pollution across the city.		
10	Please specify any direct environmental implications of the decision (carbon impact)	This is an extremely positive action that means that efforts to reduce air pollution across the City have been achieved and levels of pollution are below the government set air quality objectives. It will now involve the creation of an Air Quality Strategy to ensure the Council continues efforts to ensure levels of air pollution are as low as reasonably practicable.		
Urgent decisions				
11	Is the decision urgent and to be implemented immediately in the interests of the Council or the public? Please type an X into the relevant box	Yes		(If yes, please contact Democratic Support (democraticsupport@plymouth.gov.uk) for advice)
		No	X	(If no, go to section 13a)
12a	Reason for urgency:			
12b	Scrutiny Chair Signature:		Date	
	Scrutiny Committee name:			
	Print Name:			
Consultation				
13a	Are any other Cabinet members' portfolios affected by the decision? Please type an X into the relevant box	Yes	X	
		No		(If no go to section 14)
13b	Which other Cabinet member's portfolio is affected by the decision?	Councillor Coker (Cabinet Member for Strategic Planning and Transport) and Councillor Aspinall (Cabinet Member for Health and Adult Social Care)		
13c	Date Cabinet member consulted	24 September 2024		

14	Has any Cabinet member declared a conflict of interest in relation to the decision? Please type an X into the relevant box	Yes		If yes, please discuss with the Monitoring Officer				
		No	X					
15	Which Corporate Management Team member has been consulted?	Name	Dr Ruth Harrell					
		Job title	Director of Public Health					
		Date consulted	20 September 2024					
Sign-off								
16	Sign off codes from the relevant departments consulted:	Democratic Support (mandatory)	DS54 24/25					
		Finance (mandatory)	HS.24.25.20					
		Legal (mandatory)	IW.26.09.24 3965					
		Procurement (if applicable)	n/a					
		Corporate property (decisions involving Council owned land or facilities) (if applicable)	n/a					
		Human Resources (if applicable)	n/a					
Appendices								
17	Ref.	Title of appendix						
	A	Briefing report for publication						
	B	Draft Revocation Order						
	C	Equalities Impact Assessment						
Confidential/exempt information								
18a	Do you need to include any confidential/exempt information? Please type an X into the relevant box	Yes		If yes, prepare a second, confidential ('Part II') briefing report and indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box in 18b below. (Keep as much information as possible in the briefing report that will be in the public domain)				
		No	X					
		Exemption Paragraph Number						
		1	2	3	4	5	6	7
18b	Confidential/exempt briefing report title:							

Background Papers							
19	<p>Please list all unpublished, background papers relevant to the decision in the table below.</p> <p>Background papers are <u>unpublished</u> works, relied on to a material extent in preparing the report, which disclose facts or matters on which the report or an important part of the work is based. If some/all of the information is confidential, you must indicate why it is not for publication by virtue of Part 1 of Schedule 12A of the Local Government Act 1972 by ticking the relevant box.</p>						
Title of background paper(s)		Exemption Paragraph Number					
		1	2	3	4	5	6
Cabinet Member Signature							
20	<p>I agree the decision and confirm that it is not contrary to the Council's policy and budget framework, Corporate Plan or Budget. In taking this decision I have given due regard to the Council's duty to promote equality of opportunity, eliminate unlawful discrimination and promote good relations between people who share protected characteristics under the Equalities Act (2010) and those who do not. For further details please see the EIA attached.</p>						
Signature				Date of decision	26 September 2024		
Print Name	Councillor Tom Briars-Delve						

1. Introduction

- 1.1 All of our residents deserve to live in areas of good air quality and across the Council, whether through local transport schemes or planning developments, various measures are implemented to ensure levels of air pollution are minimised where people spend most of their time.
- 1.2 The Council have a legal duty to monitor and report on levels of air pollution across the city for several key pollutants and submit an annual report each June to Defra for approval. The monitored levels are compared to the air quality objectives, set by government. Where the air quality objectives (AQO) are exceeded, there is a legal duty to declare an Air Quality Management Area (AQMA).
- 1.3 The Council plan and implement measures across the city and road network to improve not only air quality but provide opportunities for healthier and more sustainable methods of travel. The Plymouth and South West Devon Joint Local Plan (JLP) 2014-2034 established an over-arching strategic framework for Plymouth, South Hams and West Devon, seeking to avoid or mitigate against harmful environmental impacts and health risks from poor air quality, either by implementing measures set out in transport plans or through building design and layout which helps minimise air quality impacts. [Plymouth and South West Devon Joint Local Plan | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/transport-and-planning/plymouth-and-south-west-devon-joint-local-plan)

2. Air quality monitoring in Plymouth

- 2.1 Air quality monitoring has been undertaken in Plymouth for many years and local air quality monitoring is targeted following Defra guidance, considering both local industrial and transport emissions in the air quality assessment, focusing on areas where people live or spend the majority of their time.
- 2.2 Historically since the Environment Act 1995 was introduced requiring an assessment to be made annually of air quality, levels of air pollution were originally good for all pollutants except NO₂. Whilst some monitoring is funded and carried out by the Council, the Council are funded to operate two sites for Defra, as part of the national monitoring network. Monitoring is carried out locally for a range of pollutants including NO₂, and particulates (both PM10 and PM2.5).
- 2.3 Five areas of the city including Stoke Village, Tavistock Road (close to Crownhill village), Mutley Plain, Royal Parade and Exeter Street exceeded the air quality objective and one single AQMA was declared in 2014 for Nitrogen Dioxide (NO₂). All previous reports and the AQMA Order can be found on the following link. [Air quality | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/air-quality)
- 2.4 Where an AQMA is declared, an action plan must be produced to detail how the Council intends to implement measures to lower the levels of pollutants, in this case NO₂ to below the air quality objective level of 40µg/m³. The action plans are published when approved by Defra but were previously contained within the Local Transport Plan and more recently within the JLP. [Plymouth and South West Devon Joint Local Plan | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/transport-and-planning/plymouth-and-south-west-devon-joint-local-plan)
- 2.5 Government guidance dictates that where there are three consecutive years of compliance with the AQO's, then a local authority should revoke the AQMA. The levels of air pollution have been impacted by Covid-19, as during the first lockdown and to a lesser extent the second lockdown, lower levels of transport movements resulted in inevitable improvements to air quality.

- 2.6 Previous reports show that compliance in some areas was achieved quickly due to the implementation of certain traffic schemes, such as the East End transport scheme in Exeter Street, and improvements to Tavistock Road. However other areas have seen slower progress, with Mutley Plain and Royal Parade achieving the first years of borderline compliance in 2019/2020. Whilst levels were lower during lockdown, there were small increases across the monitoring network in 2022, which have now settled and remain below the AQO for 2023 in all locations. (See Appendix I below for results)
- 2.7 The monitoring picture is now clear and as a result of four years of compliance, and following Defra guidance, the AQMA must be revoked this year, within 4 months of the acceptance of the submitted air quality report. This timeline is by the end October 2024. This report seeks to obtain the agreement to revoke the existing AQMA and a draft AQMA Revocation Order is contained in Appendix 2. The implementation date is intended to be implemented on 31st October 2024, to meet the statutory deadline, when any democratic process is concluded. This is a very positive step for Plymouth, meaning that we can celebrate good air quality across our city.

3.0 Summary of measures to improve air quality

- 3.1 A wide range of ongoing transport plans, projects and services are an important part of the Council's efforts to improve air quality by enabling increased levels of walking and cycling and a more rapid transition to electric vehicles, and by supporting bus operators in their recovery from the impacts of the pandemic. These include:

- successful delivery of our 3-year Active Travel Social Prescribing programme (which provides Plymotion branded adult cycle training, bike maintenance services, led rides, trail therapy, community bike fleets, led walks, an annual active travel challenge and personalised travel planning)
- the successful launch and ongoing roll out of the Connect Plymouth networks of over 500 Beryl Bikes and 50+ Wenea EV rapid charge points during 2023 and 2024
- the installation of 36 living roof bus shelters that help to capture contaminant particles, and the development of plans for effective investment of the city's BSIP+ funding allocation
- continuing to design and deliver a range of walking and cycling infrastructure schemes to make effective use of Active Travel England funding streams.
- the delivery of a number of school based sustainable travel programmes which encourage and enable walking, cycling and scooting to school, such as the Bike It Plus programme, delivered in partnership with Sustrans and a trial Safer School Streets programme, which in turn reduce congestion and improve air quality and road safety at the school gate.

3.2 Wider measures are also being implemented which influence air quality as part of the Net Zero Action Plan, including the participation in the Heat Network Zoning Pilot [Plymouth set for new heat networks | PLYMOUTH.GOV.UK](https://www.plymouth.gov.uk/new-heat-networks) and implementation of Zero Emission buses, known as ZEBRA [Electric Buses are coming to the South West - Plymouth Bus](https://www.plymouth.gov.uk/electric-buses-are-coming-to-the-south-west). In addition, further improvements are planned in Royal Parade which will see better provisions for buses, reducing idling engines and reducing air pollution further. <https://www.plymouth.gov.uk/how-we-are-going-improve-royal-parade>

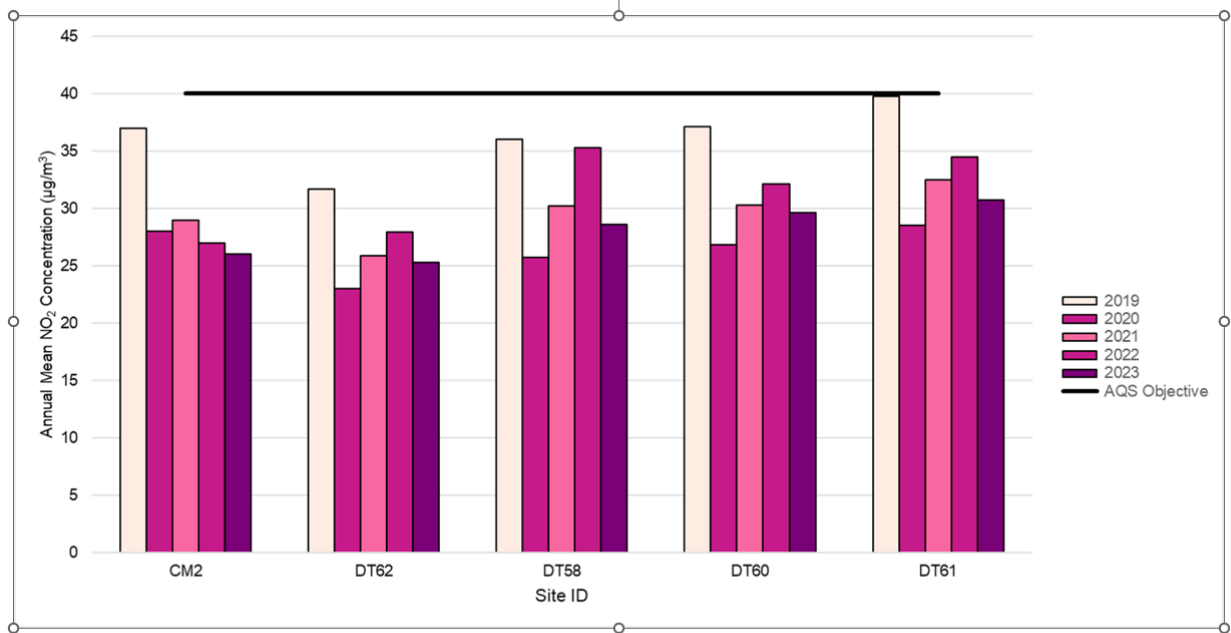
4.0 Next steps

4.1 Whilst we accept that revoking the AQMA is an extremely positive step, it does not mean that the Council will stop its efforts to contribute to improvements air quality to the highest possible standard. Continuing plans as highlighted in the JLP will be made to implement further measures across the city to reduce congestion, improve air quality and minimise the impacts of climate change where possible. The council have a Net Zero Action Plan, with focus on various areas including transport with aims contributing to the reduction in emissions, including those that impact on air quality. [Climate emergency | PLYMOUTH.GOV.UK](#)

4.2 In addition following a revocation, there is an ongoing legal requirement to submit an Air Quality Status report annually to Defra and statutory guidance requires a local authority that no longer has an AQMA, to put in place a local air quality strategy to ensure air quality remains a high-profile issue and to ensure it is able to respond quickly should there be any deterioration in condition. This will include any subsequent review of monitoring plans.

Appendix One

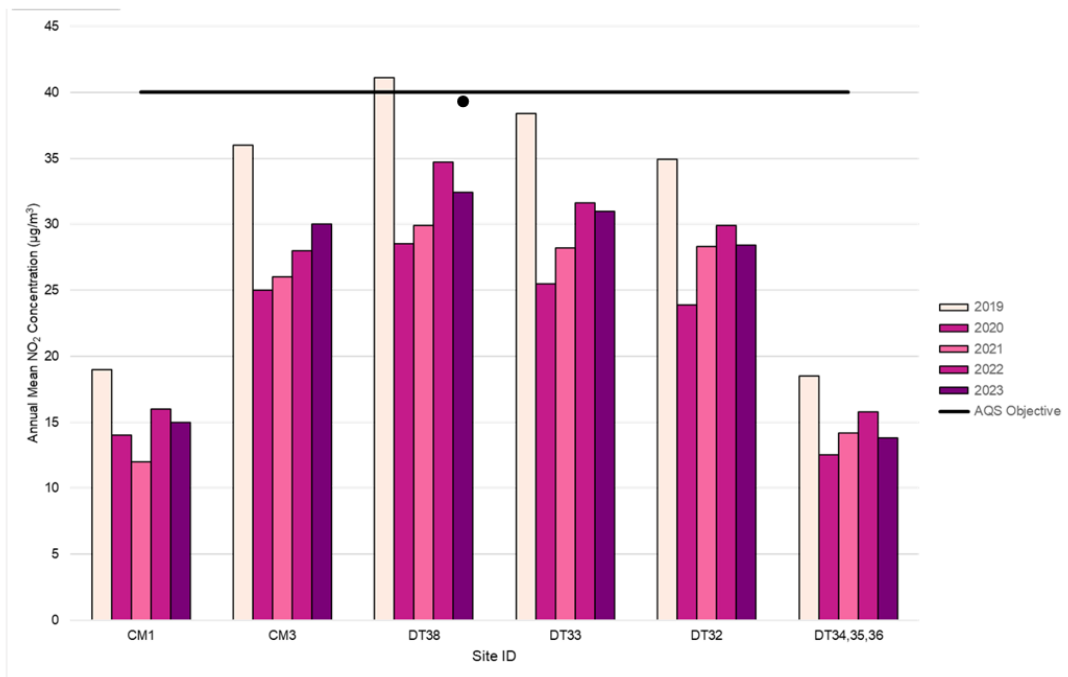
Trends in Annual Mean NO₂ Concentrations – Mutley Plain



Key

CM2 – Mutley Plain Automatic Monitor
 DT = diffusion tube locations across Mutley Plain

Trends in Annual Mean NO₂ Concentrations – Royal Parade and City Centre



CM1 – Plymouth City Centre Automatic Monitor
 CM3 – Royal Parade Automatic Monitor
 DT- diffusion tubes located around Royal Parade

Appendix 2 Draft Air Quality Management Area Revocation Order.

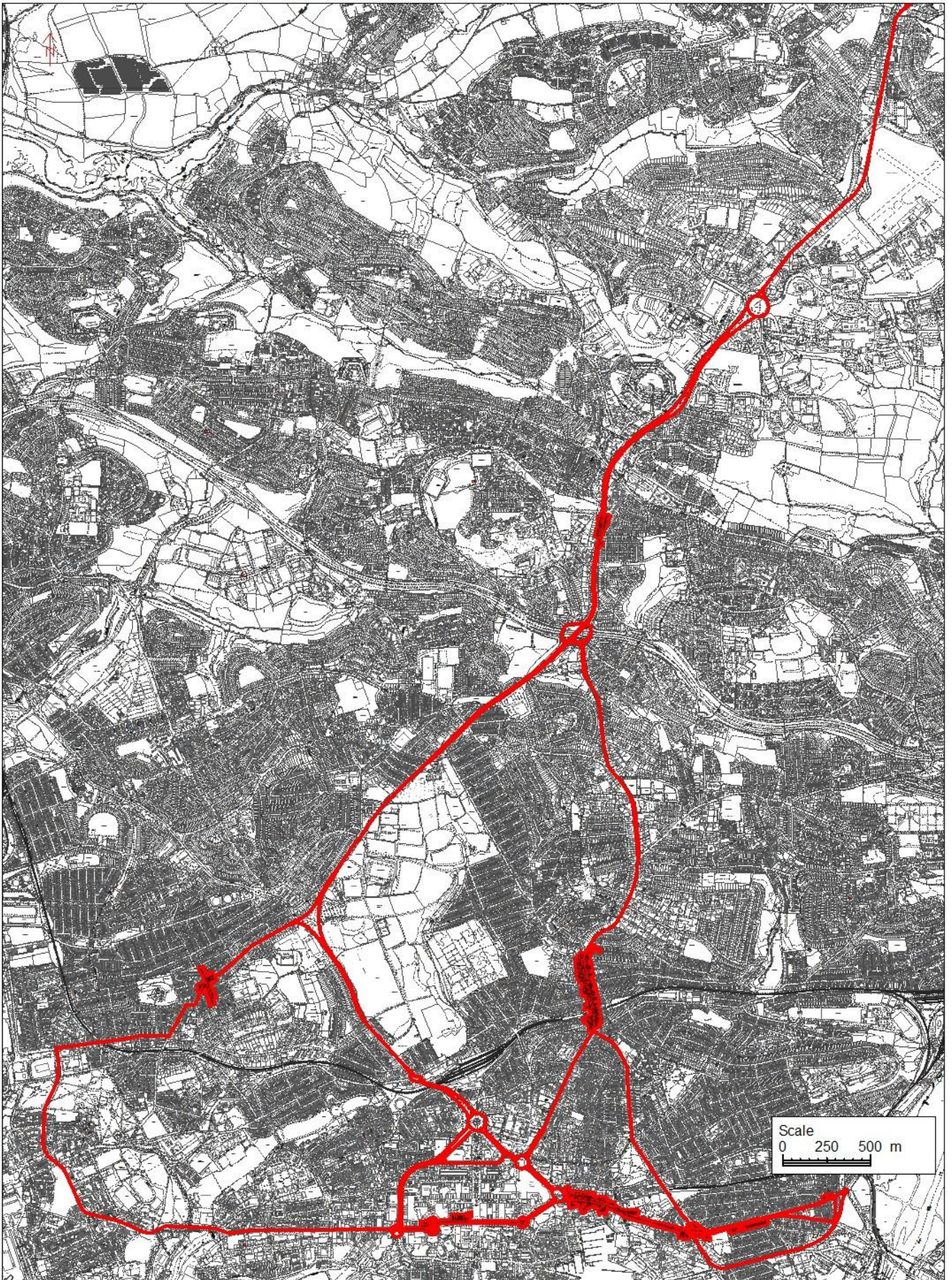


Plymouth City Council
Environment Act 1995 Part IV Section 83(2)(b)
Order Revoking An Air Quality Management Order

Plymouth City Council, in exercise of its powers conferred on it by section 83(2)(b) of the Environment Act 1995 HEREBY makes the following order.

1. This Order shall revoke the area known as Air Quality Management Area 2014 for nitrogen dioxide as shown in the attached map.
2. The Order shall come into force on 31 October 2024.

THE COMMON SEAL OF THE COUNCIL
OF THE CITY OF PLYMOUTH was
hereunto affixed on the day
of October 2024
in the presence of:-



Scale
0 250 500 m

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Plymouth Air Quality Management Area - Plan 1



Published 2014