

Report of the Strategic Director of Health and Wellbeing to the meeting of the Executive to be held on December 6th 2016.

AK

Subject: West Yorkshire Low Emissions Strategy

This report is to seek adoption of the West Yorkshire Low Emissions Strategy which has been developed by the five West Yorkshire Authorities in conjunction with the West Yorkshire Combined Authority and Public Health England to tackle poor air quality across the region.

Bev Maybury
Strategic Director Health and
Wellbeing

Report Contact: Ruth Lees Principal
Environmental Health Manager
Phone: (01274) 431349
E-mail: ruth.lees@bradford.gov.uk

Portfolio:

Health and Wellbeing

Overview & Scrutiny Area:

Environment and Waste



1. SUMMARY

This report is to seek adoption of the West Yorkshire Low Emissions Strategy (WYLES) which has been developed by the five West Yorkshire Authorities in conjunction with the West Yorkshire Combined Authority and Public Health England to tackle poor air quality across the region.

2. BACKGROUND

- 2.1 The City of Bradford District Council (The Council), along with other West Yorkshire authorities has been identified by Defra as having the second worst air quality in the country.
- 2.2 In summer 2011 Bradford Environmental Health Services successfully made a bid to Defra for a grant allocation to develop a Low Emission Strategy for the Bradford District. Funds were also obtained to carry out a feasibility study for a Low Emission Zone within the District. The Bradford Low Emissions Strategy was formally adopted on November 5th 2013 and the results of the Low Emissions Zone feasibility Study were presented to the Health and Wellbeing board in November 2014 and Executive in March 2015.
- 2.3 Information produced by the Committee on Medical Effects on Air Pollution (COMEAP) indicates that nationally there are over 40,000 early deaths attributable to poor air quality per year. The Low Emission Zone Feasibility Study for Bradford findings were that 222 early deaths in Bradford were attributed to air pollution annually. The study demonstrated how reducing emissions from vehicles could reduce the impact of air pollution; for example the use of newer buses and petrol cars instead of diesel reduced the numbers of early deaths, heart attacks, low birth weight babies and children developing asthma in Bradford markedly. The Executive resolved that Bradford should progress this work by revisiting the Bradford LES and within the review of the strategy a full understanding of the impacts, benefits and issues around practical implementation of a Low Emission Zone should be explored.
- 2.4 Recognising that the issues affecting poor air quality are cross boundary Bradford Council lead on a bid to Defra to secure funding to develop a Low Emissions Strategy for the West Yorkshire region. The bid was successful and a grant of £150k was awarded. The strategy has been developed in conjunction with officers from the five West Yorkshire Authorities, the West Yorkshire Combined Authority and Public Health England. During the development of the Strategy stakeholders from relevant areas including Transport Planning, Land Use Planning, Local Authority Procurement and Fleet Management services and the Leeds Enterprise Partnership have been involved and their input has shaped the WYLES as it was developed.



- 2.5 The WYLES covers a range of initiatives to tackle transport emissions in the short to medium term and sets out how air quality improvements will be sustained over the long term, balancing this with the ambitions for economic and housing growth for the region and the consequent risk of worsening air quality from increased traffic. It is notable that for Bradford, the WYLES in the main reaffirms policies adopted already in the Bradford Low Emission Strategy, and aligns the other authorities in West Yorkshire with Bradfords positive policy stance on improving air quality.
- 2.6 Working together at a West Yorkshire level has provided common purpose, confirmed strategic intent and delivered economies of scale when delivering specific projects, seeking joint-funding bids and developing other regional and local policies, plans and strategies such as the emerging West Yorkshire Transport Strategy 2016 to 2036. Adopting the WYLES will show a commitment to improving air quality, meeting legal obligations and protecting public health now and for future generations. The WYLES is attached at appendix 1.
- 2.7 Public consultation was carried out on the first draft of the WYLES using an on-line survey. As well as being open to the public, special interest groups and other stakeholders were invited to provide feedback via the survey. A total of 190 responses were received during the six week consultation period. A strong message from public consultation was for the WYLES to be more ambitious including using more regulatory controls, such as Low Emissions Zones (now referred to as Clean Air Zones) to control emissions from the most polluting vehicles.
- 2.8 In December 2015 Government announced that Leeds would be one of five cities which would have a mandated Clean Air Zone (CAZ) imposed in order to improve air quality to meet legal limits. A recent High Court case (2nd November 2016) ruled that Government had failed to take the required action to improve air quality and that the plans made in December 2015 were woefully inadequate and based on over optimistic modelling (which not take into account the findings of the recent VW scandal amongst other things). The UK Government has announced it will not appeal the decision. It is likely this will lead to additional action, including more CAZ in further cities. There is an additional 23 cities which are likely to require CAZ, it is understood that Bradford is likely to be one of them.

3. OTHER CONSIDERATIONS

4. FINANCIAL & RESOURCE APPRAISAL

- 4.1 The development of West Yorkshire Low Emissions Strategy (WYLES) has been funded via grants from Defra. The West Yorkshire group of authorities will work together and independently on specific projects to tackle poor air quality which will be funded through external sources or utilising existing resources.



4.2 The Localism Bill introduced the power for central Government to pass on to Local Authorities any fines imposed by the EU on government for an infraction of certain European Environmental Standards. These fines can only be passed on where the Local Authorities has “demonstrably caused or contributed” to the infraction. Any such fine would be passed on through the legislative process set out in the bill which requires a notice to be served upon the Local Authority in question. These fines can be very large with an annual figure of £300 million or approximately £1 million/day being estimated in relation to air quality. The main area which gives rise for concern with respect to the passing on of fines is that of air quality. The UK is currently in breach of the EU standards for nitrogen dioxide in 40 out of the 43 zones selected for assessment (of which the West Yorkshire zone 4 is one). The work which has been outlined within this report would place Bradford Council favourably for being able to show that they have not “demonstrably caused or contributed” to the infraction and as such the massive fines should not be passed onto the authority. Brexit will potentially change this situation but at the present time this is the situation..

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

The implementation of the low emission strategy will mitigate against the risk of fines from the European Union. It will do this by showing we have not demonstrably caused or contributed to a breach of certain European Environmental Standards

6. LEGAL APPRAISAL

The adoption of WYLES will have legal implications, specifically in the area of domestic environmental law and EU environmental law and regulation.

Failure to adopt WYLES will also have legal implications in the area of environmental law and regulation. It would potentially undermine any defence the Council may have to EU imposed environmental fines being passed on from central government under the powers of the Localism Act.

There may in addition be procurement implications and legal implications for countywide and local transport strategies.

There may also be legal implications of the joint working arrangements with other public bodies.

Legal Services will be available to provide support and guidance for the plan’s implementation.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY



Previous work carried out as part of the LEZ feasibility study included within it a Health Impact Assessment which also looked at the relationship between pollution levels and deprivation. This found that a significant correlation exists between high pollution levels and areas with deprived populations within the District, it therefore demonstrated that an improvement in air quality will go some way to reducing health inequalities in the District..

7.2 SUSTAINABILITY IMPLICATIONS

The WYLES supports modal shift and a move to more walking and cycling. This, and increased use of public transport, offers a more sustainable approach. The Guidance developed as part of the WYLES, to be used as part of the Development Control process, seeks to ensure that all new developments do not have a negative impact on air quality and support the introduction of infrastructure to assist in the move towards a low emissions future.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

It's recognised that measures to improve air quality, for example switching modes from car to rail journeys or moving to electric vehicles will enable a reduction in GHGs. However the push for greater fuel efficiency and improved emissions standards alone, will not be sufficient to tackle climate change if fuel savings result in increased mileage on our roads. It is recommended that policies to reduce overall vehicle mileage are prioritised and aligned with health and wellbeing objectives.

7.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications arising out of the adoption of the WYLES

7.5 HUMAN RIGHTS ACT

There are no human rights issues arising out of the adoption of the WYLES

7.6 TRADE UNION

There are no trade union issues arising out of the adoption of the WYLES.

7.7 WARD IMPLICATIONS

The WYLES applies across the District, there are no specific ward implications..

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

Option 1: To adopt the West Yorkshire Low Emissions Strategy 2016 to 2021 as the Council's strategic approach, together with our partners, to improve air quality in the Bradford district and across West Yorkshire. This option will confirm the Council's



commitment to working with partners to tackle air quality in order to meet legal obligations and protect public health.

Option 2: Not to adopt the West Yorkshire Low Emissions Strategy 2016 to 2021 as the Council's strategy for improving air quality. Not having a Strategy could put the local authority at risk of failing to meet legal obligations in relation to air quality and could result in an adverse impact in the health of residents in, and visitors to, the District.

10. RECOMMENDATIONS

That the West Yorkshire Low Emissions Strategy is adopted by the Council

11. APPENDICES

Appendix 1 The Draft West Yorkshire Low Emissions Strategy.

12. BACKGROUND DOCUMENTS

- Bradford Air Quality Strategy
- Bradford Low Emissions Strategy.
- Bradford Low Emissions Zone Feasibility Study

