

Licensing Committee



Report of Head of Housing and Environment

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Adoption of the council’s new joint Air Quality Action Plan

Recommendation

(a) That the Licensing Committee formally adopt the council’s new Air Quality Action Plan

Implications (further detail within the report)	Financial	Legal	Climate and Ecological	Equality and diversity
	No	No	Yes	No
Signing off officer	Richard Spraggett	Pat Connell	Jessie Fieth	Lynne Mitchell

Purpose of Report

1. To inform of the production and completion of the council’s new joint Air Quality Action Plan (AQAP) that now needs to be formally adopted by the Licensing Committee in line with the council’s Constitution.

Strategic Objectives

2. South Oxfordshire District Council’s Corporate Plan 2020-2024; Action on the Climate Emergency; Take positive action on single use plastics, air quality improvement measures and sustainable transport.

Background

3. Under Part IV of the Environment Act, local authorities have a central role in achieving improvements in air quality. Local authorities are required to assess air quality in their area and to produce an Air Quality Action Plan (AQAP) describing the measures that will be taken to decrease air pollution to a level which achieves compliance of the national objectives.
4. Based upon the air quality data historically collected over the last 15 years, there were three Air Quality Management Areas (AQMAs) in Henley, Wallingford and Watlington declared due to exceedances in the national air quality objective for nitrogen dioxide.
5. Once a council has declared an Air Quality Management Area, Defra require the council to produce an AQAP to reduce levels of the pollutant(s) that are exceeding the national objective level. In this case, the actions within the new AQAP are only aimed at reducing levels of nitrogen dioxide, but they will also improve levels of other pollutants such as particulate matter.
6. In line with Defra's guidance, the current AQAP for the South Oxfordshire (adopted 2014) should now be replaced as this was were first adopted more than five years ago.
7. As identified in the business cases submitted last year, and due to the technical nature of the work, an environmental consultancy was appointed to deliver an updated AQAP, as they have the specific skills and knowledge required to produce a meaningful output. Following the council's procurement process, the contract for the environmental consultancy service was awarded to Atkins Ltd.
8. Following completing of the traffic surveys to inform the source apportionment study (which determined how much the different pollution sources contribute to local air pollution levels), a long list of potential air quality actions was produced by Atkins and shared with council officers.
9. An initial stakeholder workshop to discuss this long list of actions was held on 10 Feb 2023. Involved in this meeting were the leader of the council and our cabinet member, representatives from Oxfordshire County Council and National Highways and key council officers.
10. As a result of the learning from this meeting, council officers set up individual meetings with ward councillors of the areas covered by one of the six air quality management areas (AQMAs). These took place over the week commencing 06 March 2023, and officers discussed the specific actions/measures for the ward with the respective members.
11. The consultants, Atkins, then assessed the cost benefits/impacts of each of these measures and created a final recommended set of actions to be included in the draft version of the new joint AQAP. This is Appendix 1 of this report.
12. This AQAP has been compiled using the Defra template which is very prescriptive on its layout (including the format of the Air Quality Annual Status Reports which are submitted to Defra each June).
13. A public consultation took place 15 June - 27 July 2023 to share the draft new AQAP with statutory consultees and members of the public and seek their views on the new plan. The council's Community Engagement Team assisted with this consultation

exercise and council officers met with representatives of Town and Parish Councils within an Air Quality Management Area (AQMA), and District Councillors for those areas, to discuss the draft document and understand their views. Council officers also held public workshops in the market towns within AQMAs to further engage with residents.

14. Following careful analysis of the consultation responses received, the second draft AQAP was produced in August 2023, ensuring the points raised by Defra in their appraisal of the document were also taken onboard.
15. The AQAP includes actions which apply more broadly across the district, but also specific sections for each individual designated AQMA. The new AQAP clearly identifies those responsible for delivering the actions (i.e., those that sit with the district councils and those that sit with the key air quality partners, OCC and National Highways).
16. The detailed actions to improve air quality can be found outlined in Tables 5.1- 5.4 on pages 45-49 of the AQAP. A simplified summary of these actions can be found within the Appendix 2 of this report.
17. This AQAP proposes the removal of the Air Quality Management Areas for Wallingford. This is due to the air quality pollution levels having improved and are now considerably below the national air quality objective levels. The advice from Defra to the council on the revocation of AQMAs is as follows: “The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities **must** proceed with plans to revoke the AQMA”.

According to the [LAQM Technical Guidance 2022](#): AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. We recognise the public perception of an AQMA being revoked might be that air pollution is no longer a problem in the area, however, keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in local air quality management.”

There have been no exceedances of the national objectives in the Wallingford AQMA in 2017-2022 and therefore officers will recommend revocation in the next Annual Status Report to Defra (due June 2024). Following Defra’s consent with the proposal to remove the AQMAs, officers will start the process of formally revoking them by making the same recommendation to the council’s Licensing Committee.

18. The AQAP also recognises compliance with the national objectives in the Watlington AQMA, although this has only been the case since 2020. The AQAP therefore proposes to continue to monitor air quality within the area in accordance with Defra’s Local Air Quality Management requirements, with a view to revoking the Watlington AQMA in future if compliance with the objectives continues to be achieved. It is expected the council will be in the position to remove the Watlington AQMA in 2025.
19. The final draft of the AQAP was then shared with the council’s AQ Partner (Oxfordshire County Council) for formal confirmation that the actions assigned to these organisations will be allocating the necessary resources to progress as established in the AQAP. Written confirmation was received on 06 November 2023, with the AQAP being signed off by the Director of Public Health at Oxfordshire County Council.

20. The final version AQAP was signed off by Defra as part of their final appraisal on 07 December 2023.
21. Cabinet approved this final version of the AQAP to go forward to the council's Licensing Committee for formal adoption on 12 Jan 2024.

Financial Implications

22. Potential funding for the measures included in the AQAP have been identified and is specified with the action plan. Actions will only progress when funding has been allocated or secured by the district council or by our external air quality partner (Oxfordshire County Council).

Legal Implications

23. The council's Licensing Committee is required to formally adopt the new AQAP, as set out on page 66 of the Constitutions of South Oxfordshire District Council (31 Oct 2023):

“General Licensing Committee procedure rules

Purpose of the General Licensing Committee:

1. *The General Licensing Committee is responsible for determining issues relating to licensing and registration.*

(...)

24. Paragraph 3 It is also responsible for policies on contaminated land, **air quality**, health and safety, street trading and street naming. A three-member sub-committee considers individual cases.”
25. The legal implications are set out in the body of the report. On adoption by the Licensing Committee, the council will be responsible for compliance with the obligations in the AQAP.

Climate and ecological impact implications

26. Delivery of the actions proposed in the new AQAP will lead to a reduction in greenhouse gas emissions, therefore contributing positively towards the council's climate change targets. There is overlap between the AQAP actions and our Climate Action Plans, for example on upgrading the council-owned vehicle fleet, and with the Oxfordshire Net Zero Route Map and Action Plan, for example on accelerating the rollout of electric vehicle charging infrastructure.
27. There is currently no need to use the Climate Impact Assessment Tool at this stage because the new AQAP is only a plan which outlines actions and projects. The projects themselves will then require their own individual climate impacts assessed when they are actioned.

Equalities implications

28. An Equality Impact Assessment has been completed and there are no implications identified.

Risks

29. If the draft AQAP is not formally adopted, Defra may issue a formal wording to require the Council to produce and adopt a new AQAP. According to Defra's Guidance on the LAQM duties of Local Authorities, the Council's AQAP must be reviewed as it's over 5 years old. In previous correspondence, Defra have designated the adoption of a new AQAP as one of the imminent priorities for the Council in terms of air quality.
30. The council or partners may be unable to secure required funding to progress actions outlined in the AQAP.
31. Progress or completion of some of the actions within the AQAP might not be completed within the timescales outlined in the document (Tables 5.1-5.4). This would be due to responsibility of a specific action sitting with one of the council's Air Quality Partners (i.e. OCC, National Highways, etc). As part of the AQAP adoption process, these Partners agreed to the completion of their actions. Progress on each AQAP action will be monitored throughout the year and reported annually as part of the Council's Annual Status Report to Defra (submitted each June).

Other Implications

32. Our Communications Team suggests promotion of the AQAP when it is formally adopted. This will follow on from the communications campaign carried out to support the consultation in summer 2023. The new communications will apply to the whole of the district but with special focus on the AQMAs.
33. No other implications have been identified.

Conclusion

34. The new Air Quality Action Plan should be formally adopted by the council's Licensing Committee.

Background Papers

- Air Quality Action Plan (AQAP) 2023-2028 final draft