

HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Member for Environment and Transport
Date:	12 March 2019
Title:	Traffic Management (Speed Limit) Policy Exceptions in Relation to Air Quality Management Measures
Report From:	Director of Economy, Transport and Environment

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1. Recommendations

- 1.1. That authority is delegated to the Director of Economy, Transport, and Environment, in consultation with the Executive Member for Environment and Transport, to make exceptions to the current Traffic Management Policy to allow the amendment or setting of speed limits on public health grounds with regard to air quality, in response to exceptional circumstances, and in accordance with the qualifying criteria set out in paragraph 3.7 of this report.
- 1.2. That authority is given to enter into contractual arrangements with Surrey County Council in order to facilitate and implement the speed limit changes along the A331, to be finalised by the Director of Economy, Transport, and Environment in consultation with the Executive Member for Environment and Transport and the Head of Legal Services.

2. Executive Summary

- 2.1 The purpose of this paper is to secure approval from the Executive Member for Environment and Transport to make exceptions to the current Traffic Management Policy. At present all speed limits are set for road safety reasons. The authority to make exceptions in accordance with the strict qualifying criteria set out in this report (paragraph 3.7) will allow speed limits to be amended or set based on public health grounds with regard to air quality.
- 2.2 The exceptions are required because of the Clean Air Zones (CAZ) identified by the Government in the vicinities of the A331, affecting Rushmoor, and the A339, affecting Basingstoke. Both central government and local government are legally bound to deal with air quality issues in such zones. Local authority activity is being mandated by Ministerial Direction, requiring legal limits to be met 'within the shortest possible time'. The County Council has already been served such a Direction in relation to Basingstoke and Deane and anticipates

being similarly directed in Rushmoor, as well as for an area in Fareham, where air quality matters will be tackled by different means to be reported elsewhere. The delegations in this report are required to enable the County Council to respond to the Ministerial Direction relating to Basingstoke, and the anticipated Ministerial Direction relating to Rushmoor, by amending speed limits on public health grounds with regard to air quality, as opposed to on a strict road safety basis as required by the existing policy.

- 2.3 The A331 is a road which crosses boundaries but for efficiency reasons is managed by Hampshire County Council on behalf of Surrey County Council. In order to implement speed limit changes on this road it is necessary to enter into a new agreement/contract between both parties related to this issue. A delegation is therefore requested to allow the Director to take all steps necessary to sign such an agreement and implement a speed limit change on the A331, including in this case the making and determination of associated traffic regulation orders.

3. Contextual Information

- 3.1 EU Directive 2008/50/EC on ambient air quality, adopted in 2008, set legal exposure limits of certain air pollutants. Nitrogen Dioxide (NO₂) is one of the pollutants with a ceiling limit: forty micrograms per cubic metre (40µg/m³). These legal limits were incorporated into UK legislation by the Air Quality Standards Regulations 2010.
- 3.2 A number of areas in Hampshire are modelled to exceed these levels and are designated Clean Air Zones (CAZ). In Hampshire all such zones are related to roads and vehicle emissions. A number of Hampshire's district councils are under Ministerial Direction as environmental health authorities to develop costed plans to reduce local roadside NO₂ concentrations and bring them within legal limits 'within the shortest possible time'. By virtue of statutory responsibilities as highway authority, the County Council is required to support the district councils in developing and putting in place plans which will bring the designated CAZs into legal compliance.
- 3.3 A previous report on the 5 November 2018 updated Cabinet on air quality issues in some detail. Since that report was written, a significant amount of work has been done, including on the evidence base, and on technical and design work, in order to identify preferred schemes for delivery. As a result, in the case of the Clean Air Zone (CAZ) designated in the vicinities of the A331 in Rushmoor, and the A339 in Basingstoke, it has been ascertained that a change to speed limits is required to bring air quality levels into legal compliance. Accordingly, a business case has been submitted to Government for funding to deliver such a scheme. Any forthcoming measures are expected to be delivered at no additional cost to the County Council.

- 3.4 There are several operational complexities involved in delivering a speed limit change on the A331. They relate to current highway boundaries and the process required to make a traffic order, as well as Hampshire County Council's current practice and policy for implementing speed limits.
- 3.5 The A331 Blackwater Valley Relief Road crosses the Highway Authority administrative boundaries of Hampshire and Surrey County Councils. This means that there needs to be an agreement between the authorities to allow the speed limit order to be made.
- 3.6 The current policy and practice for implementing speed limits in Hampshire is solely related to doing so for road safety reasons. It would represent a significant change in principle to allow speed limits to be set on public health grounds with regard to air quality issues. It is also relatively unusual, with only a handful of examples nationally. The justification is that poor air quality is a significant problem and needs to be addressed, particularly in areas where exceedances are over legal limits. The recommendations in this report seek to establish the new policy principle that speed limits can be set or changed for public health benefit with regard to air quality. They also seek to delegate the decision to do so to the Director of Economy, Transport and the Environment in consultation with the Executive Member for Environment and Transport.
- 3.7 The recommendation is to do so on an exceptional basis and in accordance with qualifying criteria. In this case the qualifying criteria are that this policy exception should apply:
- where legal limits of air quality are exceeded in CAZ designations or Air Quality Management Area (AQMA)
- AND**
- when all other reasonable options for achieving compliance with legal air quality levels have been exhausted.

4 Finance

- 4.1 There are no significant costs associated with entering into an agreement or agreeing exceptions to policy. Costs associated with physical measures will be subject to normal capital programme processes.

5 Consultation and Equalities

- 5.1 Speed limit changes linked to this report are subject to the normal Traffic Regulation Order consultation process, as detailed in the relevant act and supporting regulations, and these procedures will be followed in accordance with established delegated decision processes.

CORPORATE OR LEGAL INFORMATION:**Links to the Strategic Plan**

Hampshire maintains strong and sustainable economic growth and prosperity:	Yes
People in Hampshire live safe, healthy and independent lives:	Yes
People in Hampshire enjoy a rich and diverse environment:	Yes
People in Hampshire enjoy being part of strong, inclusive communities:	Yes

Other Significant Links

Links to previous Member decisions:	
<u>Title</u> The approach for each NO ₂ local authority area was approved in principle via a Cabinet Report on Air Quality.	<u>Date</u> 5 November 2018
Direct links to specific legislation or Government Directives	
<u>Title</u> Air quality plan for nitrogen dioxide (NO ₂) in UK (2017) https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017	<u>Date</u> 26 July 2017

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
None	

IMPACT ASSESSMENTS:

1. Equality Duty

1.1 The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- (a) The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- (b) Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- (c) Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

1.2 Equalities Impact Assessment:

The impacts have been assessed as largely neutral, but with potential positive implications for younger and older people, people with disabilities (particularly relating to respiratory and cardiac conditions), and pregnancy and maternity, as these groups can be particularly vulnerable to the negative consequences of poor air quality.

2 Impact on Crime and Disorder:

2.1 The recommendations of this report are not of themselves expected to have a significant impact on crime and disorder, though specific speed limit reductions will require enforcement, which will be dependent on the police, who have indicated that at present this may not be considered an operational priority.

3 Climate Change:

(a) How does what is being proposed impact on our carbon footprint / energy consumption?

There are potential positive impacts in minimising carbon emissions through the use of lower speeds through the sections of road where the exceptions to the Traffic Management Policy may apply.

- (b) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer-term impacts?

The need for strategies to improve air quality is likely to grow with time, and the development and application of measures to address the most pressing current problems will enable lessons to be learnt for future approaches.