

ADVANCE BRIEFING NOTE

The Public Health perspective

Air pollution is increasingly recognised as a serious public health issue. Public Health England (PHE) regards poor air quality as the largest environmental risk to public health in the UK. Hampshire County Council as the local Public Health Authority advocates the same policy position as Public Health England.

Air pollution is a mixture of particles and gases that can have adverse effects on human health. The most important primary air pollutants are particulate matter and nitrogen dioxide. In areas where the UK is exceeding its nitrogen dioxide limit values, on average about 80% of nitrogen dioxide emissions are due to transport. The largest source of transport emissions is from diesel vehicles.

As a national observation, the health effects of air pollution are unevenly distributed across the population with the heaviest burden falling on the most vulnerable – older people, children, those with cardiovascular and respiratory disease are at greater risk. Deprived communities are more likely to be situated near busy roads with higher levels of air pollution.

It is estimated that the effects of NO₂ on mortality are equivalent to 23,500 deaths annually in the UK. Many of the sources of NO_x (NO and NO₂) are also sources of particulate matter, and indeed levels of NO₂ can act as a proxy for levels of particulates. The combined impact of these two pollutants may be as much as 40,000 early deaths per year. Recent research is further highlighting the links between poor air quality and childhood asthma. This represents a significant public health challenge.

Urgent projects within Hampshire

The County Council is involved to varying degrees in work arising from Government's national plan for tackling roadside concentrations of nitrogen dioxide (NO₂), for which the legal imperative is to bring local concentrations to within legal limits 'in the shortest possible time', and for which the County Council has at the time of writing been served three Ministerial Directions mandating action be taken.

International & legal context

- EU Directive 2008/50/EC on ambient air quality adopted in 2008 with legal exposure limits of certain air pollutants
- Incorporated into UK legislation by the Air Quality Standards Regulations 2010
- Nitrogen Dioxide (NO₂) is one of the pollutants with a ceiling limit: forty micrograms per cubic metre (40µg/m³).
- 2010 was set deadline for compliance, later extended to 2015
- Implications of non-compliance are heavy fines from the EU to non-compliant countries

National context

- Government has published several iterations of national plans to tackle air quality but these have been successfully challenged by international environmental lawyers ClientEarth three times, where the UK courts have ruled government plans 'unlawful due to inadequacy'
- Summer 2017: government published their final national plan for tackling roadside emissions of NO₂
- The plan added to the previously identified 5 priority cities (**First Wave**) 23 further local authorities (**Second Wave**), which were predicted by DEFRA's national air quality model to have road links in exceedance of legal NO₂ limits in 2021 and beyond
- Summer '17: **Second Wave** named authorities were issued Ministerial Directions legally mandating them under The Environment Act 1995 to prepare outline plans by 31st March 2018, with costed, detailed plans by 31st December 2018, for bringing local NO₂ within legal limits in 'the shortest possible time'. These plans take the form of full Treasury Green Book business case submissions.

- The plan also identified 45 other local authorities (**Third Wave**) where NO₂ is modelled to currently be in breach of legal limits but is predicted to be within legal levels by 2021.
- Government's position was that no further action was required for Third Wave authorities. This was successfully challenged by ClientEarth, so Third Wave authorities were served Ministerial Directions to evidence their local emissions and prepare action plans where found to be necessary.
- In Hampshire's local two-tier system, air quality management is a District Council responsibility as environmental health authority. The County has a statutory duty to support as highway authority. Hampshire is also the local public health authority.
- The 2011 Localism Act contains legislation allowing national fines to be passed to local authorities.
- The working assumption is that government could pass EU infraction fines to local environmental health authorities, who could seek reparation from local highway authorities.
- Neighbouring authority Southampton City Council has been named in the First Wave; Fareham, Rushmoor & New Forest were named in the Second Wave; Basingstoke and neighbouring authority Portsmouth were named in the Third Wave

Future work

A joint Economy, Transport and Environment / Public Health report on Air Quality went to Cabinet in November 2018, to inform Cabinet on emerging issues related to air quality and agree an overall approach by the County Council to address air quality issues.

The report recommended that Cabinet:

- Note the statutory responsibilities and accountabilities shared between the County and Borough Councils for dealing with air quality and approve in principle the approach set out.
- Authorise the Directors of Economy, Transport and Environment and Public Health to develop options for undertaking additional work in line with the action plan set out and within existing available resources.
- Agree to the County Council undertaking a "coordination role" on air quality issues within Hampshire as outlined, where this is related to our core functions as both highway and public health authority.

Following the Cabinet report, officers from the Economy, Transport, and Environment Department and from Public Health have begun working together to develop the County Council's Air Quality Position Statement and will be undertaking a review of transport policies with regard to improving air quality once the urgent work mandated by government is taken forward to implementation.

Officers have also begun work with the District councils, which have responsibility for environmental health and planning, on a Supplementary Planning Document which will help ensure that future development fully considers air quality and seeks to minimise the impact of development within designated air quality areas.

Given the challenges facing the County Council and District partners, there is a range of scalable coordination activities that could be considered.