

Date: 31 January 2020

Subject: GM Clean Air Plan – Update

Report of: Transport Strategy Director Cllr Andrew Western, Leader of Trafford Council
and Green City-Region Portfolio Lead for Greater Manchester

PURPOSE OF REPORT

To set out the progress that has been made following the Government’s response to Greater Manchester’s Outline Business Case to tackle Nitrogen Dioxide Exceedances at the Roadside (OBC), and the implications for the 10 Greater Manchester (GM) local authorities in relation to the schedule of work and statutory consultation on the Clean Air Plan.

RECOMMENDATIONS

Members are recommended to:

- a) note progress made to date;
- b) note the ministerial direction under the Environment Act 1995 (Greater Manchester) Air Quality Direction 2019 which requires all ten of the Greater Manchester local authorities to implement a charging Clean Air Zone Class C across the region;
- c) note the need to continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester utilising the initial tranche of £36m of funding as required by the ministerial direction / feedback;
- d) note that the report to determine the timings for commencing the consultation will be received in the Spring of 2020;
- e) note the outstanding need to secure a clear response from the Government on clean vehicles funding asks;
- f) note that Highways England have not been directed to act in relation to tackling NO₂ exceedances in the same way as the Greater Manchester local authorities, and that this will leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO₂ exceedances that are not being addressed by the Highways England plan;
- g) note that the GM Authorities will co-sign a letter to the Transport Secretary asking them to bring forward the launch of a statutory consultation to strengthen rules on vehicle idling.

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Risk Management – Initial risk register set out in Clean Air Plan OBC (March 2019)

Legal Considerations – No legal considerations for GMCA. Legal considerations rest with local authorities.

Financial Consequences – Revenue - Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government

Financial Consequences – Capital - Initial Financial Case set out in Clean Air Plan OBC (March 2019), with all development and delivery costs to be covered by central Government

BACKGROUND PAPERS

- 26 Jul 2019, report to GMCA: Clean Air Plan Update
- 1 March 2019, report to GMCA: Greater Manchester’s Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside - Outline Business Case
- 11 January 2019, report to GMCA/AGMA: Clean Air Update
- 14 December 2018, report to GMCA: Clean Air Update
- 30 November 2018, report to GMCA: Clean Air Plan Update
- 26 October 2018, report to GMCA: GM Clean Air Plan Update on Local Air Quality Monitoring
- 15 November 2018, report to HPEOS Committee: Clean Air Update
- 16 August 2018, report to HPEOS Committee: GM Clean Air Plan Update
- UK plan for tackling roadside nitrogen dioxide concentrations, Defra and DfT, July 2017

TRACKING/PROCESS		
Does this report relate to a major strategic decision, as set out in the GMCA Constitution		No
EXEMPTION FROM CALL IN		
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?		No
GMTC	Overview & Scrutiny Committee	
n/a	n/a	

1 BACKGROUND

1.1 The Government has instructed many local authorities across the UK to take quick action to reduce harmful Nitrogen Dioxide (NO₂) levels following the Secretary of State issuing a direction under the Environment Act 1995. In Greater Manchester, the 10 local authorities, the Greater Manchester Combined Authority (GMCA) and Transport for Greater Manchester (TfGM) are working together to develop a Clean Air Plan to tackle NO₂ Exceedances at the Roadside.

1.2 In its Outline Business Case Greater Manchester is proposing the following package of measures that delivers compliance in the shortest possible time, at the lowest cost, least risk and with the least negative impacts. They are:

- A charging Clean Air Zone (CAZ) which will target the most polluting commercial vehicles including older heavy goods vehicles, buses, coaches, taxis and private hire vehicles from the summer of 2021, and older polluting light goods vehicles from 2023. It has been assumed at outline business case (OBC) stage that the Clean Air Zone Charge would be £7.50 per day for taxis, private hire vehicles and light goods vehicles and £100 per day for heavy goods vehicles, buses and coaches.

- A Clean Freight Fund of c.£59m to provide financial support for the upgrade of light and heavy goods vehicles, minibuses and coaches, which will be targeted to support small local businesses, sole traders and the voluntary sector, registered in Greater Manchester.

- A Clean Taxi Fund of c.£28m, to support the upgrade of non-compliant Greater Manchester Licensed taxi and private hire vehicles.

- A Clean Bus Fund of c.£30m to provide, where possible, the retrofit of older engine standards to the less polluting Euro VI standard for those buses registered to run services across Greater Manchester.

- A package of supporting measures including a proposed Loan Finance scheme, sustainable journeys projects, additional EV charging infrastructure.

1.3 The OBC made clear the expectation that the UK Government would support the plans through:

- Clear arrangements and funding to develop workable, local vehicle scrappage / upgrade measures;
- Short term effective interventions in vehicle and technology manufacturing and distribution, led by national Government with local authorities;
- Replacement of non-compliant buses; and

- A clear instruction to Highways England with regard to air pollution from the Strategic Road Network (SRN) in Greater Manchester.

- 1.4 The OBC outlining these proposals and the supporting evidence was submitted to Government at the end of March 2019. Ministerial feedback was received in July 2019 along with a further direction under the Environment Act 1995 which requires all ten of the Greater Manchester local authorities to take steps to implement a plan to deliver compliance with the requirement to meet legal limits for nitrogen dioxide in the shortest possible time.
- 1.5 The 2019 Ministerial Direction and accompanying letter proposed some key amendments to GM's OBC proposals, including the implementation of a charging Clean Air Zone Class C *without* a van exemption until 2023, with additional measures; and for local authorities to jointly submit to JAQU revised evidence by 2 August and a Full Business Case (FBC) by 31 December 2019 at the latest.
- 1.6 The Ministerial letter set out that the GM plan looks to be on track to deliver compliance in the shortest possible time and that on the evidence provided to date Greater Manchester authorities should continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester and that the Government would provide an initial tranche of £36m of funding to take this forward.
- 1.7 Full detail of the government's response was set out in the GMCA – Clean Air Update report on 26 July.

2 PROGRESS SINCE LAST UPDATE

- 2.1 Following the ministerial feedback and 2019 Ministerial Direction, the GM Authorities sought clarification on the 2019 Ministerial Direction and the accompanying ministerial letter, questioned the government's lack of assurances around financial support for the broader GM CAP, outlined GM's approach to the requests for further options analysis, and detailed the issues GM faces in preparing to implement the scheme in terms of the timetable for FBC and statutory consultation.
- 2.2 The ministerial letter requested from GM further options appraisal information (including transport and air quality modelling as well as due regard to economic, financial and deliverability considerations) to be submitted prior to statutory consultation, and by 2nd August 2019.
- 2.3 In the interests of the ongoing working relationship between the 10 GM Authorities and the government's Joint Air Quality Unit (JAQU) in developing the GM CAP, a total of 29 draft technical reports and notes have been issued to JAQU in draft form and are subject to approval of the GM Authorities. These provide the specific information JAQU has requested about behavioural assumptions and sensitivity testing.

- 2.4 GM has also requested clarification of the 2019 direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, and whether this impacts on the GM authorities' options appraisal work to date or the additional work required by the letter accompanying the 2019 Ministerial Direction.
- 2.5 In addition, GM set out that the delay of over two months in receiving Ministerial feedback on the OBC, compounded by the request for GM to submit further options appraisal information, has had a material impact on the timetable for the GM CAP.
- 2.6 The delay arising from the ministerial feedback and lack of clarity on the direction, JAQU guidance and GM's legal obligations relating to the options appraisal process means that consultation will now need to take place later than originally planned. Consultation must comply with the relevant public law principles which may be summarised as:
- consulting at a time when proposals are still formative;
 - giving sufficient reasons for the proposals to allow intelligent consideration and response by consultees;
 - giving adequate time for consultees to respond; and
 - ensuring that the responses to the consultation are conscientiously taken into consideration in finalising proposals.
- 2.7 In planning for a Statutory Consultation Officers have had to have regard to these principles. Given the continuing dialogue with Ministers to secure a clear response from government on our clean vehicles funding asks and lack of clarity on the 2019 Ministerial Direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, Officers cannot at this time advise the GM Authorities to commence the Statutory Consultation.
- 2.8 In the absence of a Statutory Consultation GM Authorities will not be able to submit an FBC by the end of the year and therefore that aspect of the Ministerial Direction will not be fulfilled. Officers remain in dialogue with JAQU and have written to clarify GM's position in relation to our schedule of work. GM has been clear that improving air quality is a priority and to that aim we have set out how we have been progressing this work.
- 2.9 Despite this delay to undertaking a Statutory Consultation, in view of the 2019 Ministerial Direction GM must continue to proceed towards developing the implementation and contract arrangements of a charging Clean Air Zone in Greater Manchester utilising the initial tranche of £36m of funding.
- 2.10 GM Authority decision makers will receive a report in Spring 2020 to determine the timings for commencement of the consultation. The report will:
- Detail the outputs from the Public Conversation and workshop-style focus groups, known as deliberative research;

- Set out the outline of the proposals and what they mean for GM, including:
 - the basic key elements of the Clean Air Zone including the intended boundary and times of operation, proposed discounts/exemptions, vehicles affected and daily charges]
 - the supporting measures [the detail of proposals of the funds and vehicle finance scheme, sustainable journeys]
 - An Equalities Impact Assessment that considers the draft proposals at a GM level.

2.11 In the interim, given the scale and challenging timeline to deliver a charging Clean Air Zone as required by the 2019 Ministerial Direction, there is preparatory work that needs to be undertaken. This is in order to maintain delivery momentum in line with the funding arrangements agreed with JAQU, for example in relation to automatic number plate recognition (ANPR) cameras, back office systems and service providers. Therefore appropriate delegations will be sought from GM Authorities in considering this report.

2.12 The commencement of a charging Clean Air Zone scheme and the other measures are subject to both consultation as set out at 3.10 and to the GM authorities receiving the required government funding to enable them to meet the legal limits for nitrogen dioxide concentrations.

3 GOVERNMENT ASKS

3.1 In addition to the response on the specific clean air proposals, additional asks were made of Government, as set out at 1.3

3.2 These include an ask for Government to direct Highways England to tackle NO₂ exceedances on the Strategic Road Network (SRN) in the same way that local authorities that have been directed to undertake a feasibility study are having to take action on the local road network. The ministerial feedback outlined that Highways England are working up plans for exceedances identified by national modelling on their network, and that this is not expected to include charging on the SRN but will instead focus on a range of measures such as traffic management, speed limits and barriers.

3.3 Officers have been advised that the measures proposed by Highways England in Greater Manchester focus on introducing 60mph speed limits on parts of the SRN. It highlights the concern that Highways England have not been directed to act in relation to tackling NO₂ exceedances in the same way as Greater Manchester local authorities, and that this will leave some publicly accessible areas of GM adjacent to trunk roads managed by Highways England, with NO₂ exceedances that are not being addressed by the Highways England plan.

4 VEHICLE IDLING

- 4.1 The Clean Air conversation in Spring 2019 highlighted that many people are concerned about vehicle idling, prompting questions about what GM can do to crack down on people who leave their engines idling.
- 4.2 In the UK, it is illegal under the Road Vehicles (Construction and Use) Regulations 1986 to leave a vehicle's engine running unnecessarily while that vehicle is stationary on a public road. Doing this can incur a £20 fixed-penalty fine under the Road Traffic (Vehicle Emissions) Regulations 2002.
- 4.3 This is only imposed if the driver fails to turn off their engine when asked to do so. Enforcement of this legislation, either through a Fixed Penalty Notice (FPN) or via the magistrates' court sits with local authorities.
- 4.4 As the enforcing officer has to give the driver the opportunity to switch off the engine first and the penalty for idling is relatively small (£20), Greater Manchester Local Authorities do not consider the Regulation to be an effective deterrent.
- 4.5 In addition, government has recently announced proposals to consult on toughen up rules on vehicle idling and increase fines for drivers who leave their engine running while parked.
- 4.6 Given the limited enforcement deterrent the GM Authorities are planning undertake more awareness raising campaigns to inform of the health impacts that idling has on air quality.
- 4.7 In parallel, GM Authorities will write to the Transport Secretary asking them to bring forward the launch of the public consultation on this issue.

5 NEXT STEPS

5.1 Officers will:

- Continue to work with JAQU to clarify the 2019 Ministerial Direction, JAQU guidance and GM's legal obligations relating to the options appraisal process, and the implications of that to our schedule of work and the timings for consultation on the Plan;
- Continue dialogue with JAQU to secure a clear response from government on our clean vehicles funding asks; and
- Continue stakeholder engagement and awareness raising with both groups in scope of the Clean Air Zone and the general public.

6 RECOMMENDATIONS

6.1 The recommendations are set out at the front of the report.