

Cabinet

21 July 2020

Name of Cabinet Member:

Cabinet Member for Jobs and Regeneration – Councillor J O’Boyle
Cabinet Member for City Services – Councillor P Hetherton
Cabinet Member for Public Health and Sport – Councillor K Caan

Director Approving Submission of the report:

Director of Transportation and Highways

Ward(s) affected:

All

Title: Coventry Local Air Quality Action Plan

Is this a key decision?

Yes - the proposals involve financial implications in excess of £1m per annum and are likely to have a significant impact on residents or businesses two or more electoral wards in the City.

Executive Summary:

On 12th February 2020, the Parliamentary Secretary of State for the Environment issued the Environment Act 1995 (Coventry City Council) Air Quality Direction 2020. This Direction applies to Coventry City Council and directs the Council to:

- Implement the local plan for NO₂ (Nitrogen Dioxide) compliance for the city;
- Prepare and submit a full business case for the local plan scheme, summarising responses made to the public consultation, outlining any subsequent changes made to the local plan scheme, and confirming that the local plan scheme facilitates the achievement of local transport policies within the city.

This report outlines the steps being taken by the Council to comply with the Direction, including a summary of the local plan scheme, an update on the responses received to the consultation undertaken during March, April and May 2020, and also seeks Cabinet approval to proceed with the making of the statutory Traffic Regulation Orders and compulsory purchase powers required to implement the local plan scheme in compliance with the Direction.

The local plan scheme comprises a package of measures that, in combination, achieve compliance with the legal limits for roadside NO₂ levels across the city (it should be noted that for the purposes of the consultation the term Local Air Quality Action Plan has been adopted rather than local plan scheme, to avoid any local confusion with the Local Plan which is the Council’s core land use planning document).

The three main elements of the package are measures aimed at:

- Reducing the level of car traffic by encouraging modal shift to sustainable and active modes of travel such as walking, cycling and public transport through infrastructure improvements (a new, fully segregated, cycle route linking the city centre with Coundon), and through engagement with schools, businesses and local communities to promote sustainable and active travel, especially for shorter, local, journeys.
- Reducing the number of older, more polluting, vehicles on the transport network by encouraging people and businesses to invest in low emission vehicles through a range of incentive schemes and initiatives. This includes the promotion of electric cars, buses, taxis and commercial vehicles.
- Enabling dynamic traffic management on the key routes into the city, notably Holyhead Road and Foleshill Road, by implementing highway improvements on these and parallel corridors to reduce traffic congestion (and therefore vehicle emissions). The specific improvements are focussed on the B4106 at Spon End and Junction 7 on the ring road, the Holyhead Road / Barras Lane / Upper Hill Street area, and on Foleshill Road.

Government has awarded the Council £24.5 million in grant funding from the Air Quality Implementation Fund to implement the local plan scheme which have been accepted using the Chief Executive emergency powers due to the inability to bring the decision through the normal governance route as a consequence of the Covid-19 pandemic. The Direction requires the Council to have delivered the local plan scheme by the end of 2021.

With this deadline in mind, it is important that work on delivering the local plan scheme commences as soon as possible. Therefore, it is planned that work on the engagement programme with schools, businesses and local communities will commence from September 2020, whilst the construction of the infrastructure schemes will start in October 2020 with Coundon Cycle Route being the first scheme coming forward for delivery.

It should be noted that the measures within the local plan scheme form only part of the work underway within Coventry to reduce transport emissions, and that other separately funded initiatives are being delivered by the City Council and its partners, such as the continued expansion of electric vehicle charge point network, the introduction of electric buses onto the cities' bus service network, the electric fleet programme, and future transport zone work such as the mobility credits scheme, as well as infrastructure projects such as the Binley cycle route and the Very Light Rail project.

Recommendations:

The Cabinet is requested to:

- 1) Note that the Council is under a legal Direction to deliver the local plan scheme, as set out in section 2.8 of this report, and to authorise the Director of Transportation and Highways, in consultation with the Cabinet Member for Jobs and Regeneration, the Cabinet Member for City Services, and the Cabinet Member for Public Health and Sport, to take the necessary actions to implement and deliver the individual measures comprising the scheme in compliance with the Direction.
- 2) Delegate to the Director of Transportation and Highways and the Director of Finance authority to allocate the £24.5 million grant funding received from the Air Quality Implementation Fund to the individual measures comprising the scheme, with £20 million capital funding to be added to the five-year capital programme and £4.5 million revenue funding to the Air Quality revenue budget, and to thereafter manage such allocation in a manner as is deemed necessary to ensure delivery and compliance.

- 3) Approve, in principle, the use of compulsory purchase powers for the acquisition of land to deliver the measures comprising the scheme (indicatively shown in red on the attached plan at Appendix 2) and note that the making of any compulsory purchase order will be subject to the Council being satisfied in all respects that the criteria in paragraph 2.16 of the report have been met. Cabinet are also asked to note that the redline area shown on the plan is currently widely drawn around the entire scheme application site area. It is not anticipated that all land/interests shown will need to be acquired to deliver the scheme however, a degree of flexibility prior to detailed technical approval of the scheme and its mitigation, is required at this stage. Officers will take all reasonable measures to minimise the need to acquire third party interests in accordance with CPO Guidance and the existing design approach to the scheme.
- 4) Delegate to the Director of Transportation and Highways the authority to, notwithstanding the recommendations above, continue to negotiate terms to acquire all interests in land by agreement alongside progressing of a CPO
- 5) Authorise the Director of Transportation and Highways and the Director of Finance, following consultation with the Director of Law and Governance, to finalise the Order Map (within the red line boundary of the Appendix 2 Plan), the Statement of Reasons and the CPO Order and advertise the order and submit it to the Secretary of State and to take all necessary steps to secure the making, confirmation and implementation of the CPO, including High Court Enforcement Officer notices and (if granted power to do so) to confirm the CPO.
- 6) Delegate authority to the Director of Transportation and Highways and the Director of Finance to approve the costs of land acquisition within the funding envelope.
- 7) Delegate authority to the Director of Transport and Highways (where necessary) to make an application under s.247 of the Town and Country Planning Act 1990 to stop up areas of highway necessary to implement the proposals.
- 8) Approve the commencement of a competitive procurement process in accordance with adopted Council procurement policies to appoint the necessary consultants and contractors in relation to the designing and construction of the individual schemes that comprise the Local Air Quality Action Plan.
- 9) Delegate authority to the Director of Transportation and Highways, following consultation with the Director of Law and Governance, to award the contracts to the successful suppliers. This authority shall also include the power to approve the entry into of all necessary contracts with the successful suppliers.
- 10) Authorise the Director of Transportation and Highways and the Director of Law and Governance, in consultation with the Cabinet Member for Jobs and Regeneration and the Cabinet Member for City Services, to undertake the necessary actions to secure the statutory Traffic Regulation Orders, as listed in section 2.18 of this report, required to ensure that the individual measures comprising the local plan scheme can be delivered.

List of Appendices included:

Appendix 1 - Local Air Quality Action Plan Consultation Report (June 2020).

Appendix 2 – Plans showing the area to be subject to the Compulsory Purchase Order.

Background papers:

None

Other useful documents

Environment Act 1995 (Coventry City Council) Air Quality Direction 2020.

Cabinet Report – Coventry Local Air Quality Action Plan (12 February 2019)

<https://edemocracy.coventry.gov.uk/documents/s42689/Coventry%20Air%20Quality%20Action%20Plan.pdf>

Cabinet Report – Coventry Local Air Quality Action Plan (17 July 2018)

<https://edemocracy.coventry.gov.uk/documents/s38939/Coventry%20Air%20Quality%20Action%20Plan.pdf>

Has it been or will it be considered by Scrutiny?

No – However, a briefing note/presentation on this matter was considered by the Business, Economy and Enterprise Scrutiny Board (3) on 26th June 2019. The Board was broadly supportive of the approach and will continue to receive progress reports on implementation of the action plan.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Coventry Local Air Quality Action Plan

1. Context

1.1 On 12th February 2020, the Parliamentary Secretary of State for the Environment issued the Environment Act 1995 (Coventry City Council) Air Quality Direction 2020. This Direction applies to Coventry City Council and directs the Council to:

- Implement the local plan for NO₂ [Nitrogen Dioxide] compliance for the City;
- Prepare and submit a full business case for the local plan scheme, summarising responses made to the public consultation, outlining any subsequent changes made to the local plan scheme, and confirming that the local plan scheme facilitates the achievement of local transport policies within the City.

This report outlines the steps being taken by the Council to comply with the Direction, including a summary of the local plan scheme, an update on the responses received to the consultation undertaken during March, April and May 2020, and also seeks Cabinet approval to proceed with the making of the statutory Traffic Regulation Orders and compulsory purchase powers required to implement the local plan scheme in compliance with the Direction.

It should be noted that the measures within the local plan scheme form only part of the work underway within Coventry to reduce transport emissions, and that other separately funded initiatives are being delivered by the City Council and its partners, such as the continued expansion of electric vehicle charge point network, the introduction of electric buses onto the cities' bus service network, the electric fleet programme, and future transport zone work such as the mobility credits scheme, as well as infrastructure projects such as the Binley cycle route and the Very Light Rail project.

2. Options considered and recommended proposal

Air Quality Proposals

2.1 In 2017, Coventry was identified by Government as one of the towns and cities across the United Kingdom where nitrogen dioxide (NO₂) levels were forecast to exceed legal limits by 2021 if no action were taken. The Government directed the City Council to develop a local plan scheme setting out how NO₂ levels in the city would be reduced below the legal limit in the shortest possible time and awarded the Council grant funding to undertake detailed traffic and air quality modelling to help develop the local plan. Funding was also awarded to allow the Council to implement some Early Measures in the A4600 Walsgrave Road corridor and this work has been invaluable in helping to shape the emerging local plan scheme.

2.2 Based on the extensive data collected on traffic flows and air quality within the city, the modelling work identified that NO₂ levels in the city are a particular problem on the easternmost section of Holyhead Road, between the Barras Lane junction and the ring road, where NO₂ levels are around 50% higher than the legal limit of 40 ug/m³. This section of Holyhead Road is bounded by housing on the southern side of the road, and by St Osburg's School on the northern side. Analysis has indicated that the high traffic volumes, queuing from the traffic signals at the Barras Lane junction, the gradient of the road, and the proximity of the properties and retaining wall to the road carriageway, combine to create the specific problem.

- 2.3 Other locations where NO₂ legal limits were forecast to be exceeded included sections of the ring road, and the B4113 Foleshill Road. None of these exceedances were as significant as that observed on Holyhead Road, but in order to comply with the Government Direction all exceedances need to be addressed and compliance with the legal limits achieved at all locations.
- 2.4 A range of individual measures were assessed for their impact on the NO₂ levels, including options such as converting all buses and taxis to low emission vehicles, promotion of walking and cycling, and traffic management changes. These were tested independently and in various combinations, as reported to Cabinet in July 2018 and February 2019. Government also required that options for a Clean Air Zone (CAZ), whereby non-compliant (higher polluting) vehicles would be charged to access a designated area of the city, be considered, and a variety of CAZ options were assessed. In total, around 30 options were assessed prior to securing Cabinet approval, in February 2019, for a local plan scheme that would, in the view of the Council, achieve compliance with NO₂ legal limits in the shortest possible time. Those options that were rejected either failed to achieve compliance, or, as was particularly the case with the CAZ options, were judged to have wider social and economic disbenefits that outweighed any air quality benefits.
- 2.5 The Council's preferred option was an ambitious £76 million package of measures aimed at achieving NO₂ compliance in a manner that achieved wider social and economic benefits. Government responded by issuing a further Direction instructing the Council to undertake further work on a refined package of measures (although Government also retained the right to impose a CAZ upon Coventry as a fall-back option), and this additional work was undertaken by September 2019. It is this refined local plan scheme that the Government has now instructed the Council to implement in the latest Direction issued in February 2020.
- 2.6 The local plan scheme consists of three main elements, as set out below:
- Reducing the level of car traffic by encouraging modal shift to sustainable and active modes of travel such as walking, cycling and public transport through infrastructure improvements [a new, fully segregated, cycle route linking the city centre with Coundon], and through engagement with schools, businesses and local communities to promote sustainable and active travel, especially for shorter, local, journeys.
 - Reducing the number of older, more polluting, vehicles on the transport network by encouraging people and businesses to invest in low emission vehicles through a range of incentive schemes and initiatives. This includes the promotion of electric cars, buses, taxis and commercial vehicles.
 - Enabling dynamic traffic management on the key routes into the City, notably Holyhead Road and Foleshill Road, by implementing highway improvements on these and parallel corridors to reduce traffic congestion [and therefore vehicle emissions]. The specific improvements are focussed on the B4106 at Spon End and Junction 7 on the Ring Road, the Holyhead Road / Barras Lane / Upper Hill Street area, and on Foleshill Road.
- 2.7 These proposals support the Council's core aims by:
- improving health and wellbeing by improving air quality through the reduction in NO₂ levels;
 - creating an attractive, cleaner and greener city by providing improved cycle routes and better public realm on key routes into the city, and;
 - making the city more accessible for businesses, visitors and local people through better road connections, especially from the A45.

2.8 The following table outlines the key elements of the local plan scheme

Package Element	Description	Impact
Technology	An upgrade of traffic signal technology in the key corridors into the city centre from the west (A4114 and B4106) to provide the facility for enhanced proactive traffic management including, where appropriate, queue re-location. This would be supported by associated investment in Variable Message Signs at key points on the local road network, and in enhanced traffic and air quality monitoring equipment.	This will provide the infrastructure necessary to support the dynamic traffic management approach that will enable traffic to be diverted and encouraging away from pollution hotspots when emissions levels are measured as exceeding certain thresholds.
Engagement	A programme of travel planning initiatives to include all schools and educational establishments, all major businesses and employers, and local communities within or adjacent to the main Holyhead Road corridor within which NO ₂ levels are identified to be a problem.	These initiatives will seek to reduce the number of car trips being made at a local level by encouraging people to adopt more sustainable and healthy alternatives such as walking, cycling or using public transport.
Cycling	To support the engagement programme aimed at encouraging more people to cycle, improvements will be made to the city's cycle network, with high standard routes being built on the City Centre to Coundon corridor.	Encourage more cycling for local journeys by providing high standard infrastructure on key routes running through identified pollution hotspots.
Highway Improvements – Holyhead Road corridor	<p>To facilitate the introduction of dynamic traffic management, highway improvements are required to ensure that pinch points on the local road network are removed to allow traffic to be diverted away from pollution hotspots without creating a problem elsewhere. This package element is focussed on the Holyhead Road corridor and the parallel routes, and comprises:</p> <ol style="list-style-type: none"> 1 Removal of traffic lights at Holyhead Road / Barras Lane and the associated closure of Barras Lane at Holyhead Road 2 Introduction of a Low Emission Zone on Holyhead Road between the railway bridge and the ring road junction restricting access by the most polluting vehicles 3 Introduction of a left-in, left-out arrangement at the Upper Hill Street / ring road slip junction to allow traffic from Coundon to access the ring road without needing to use Holyhead Road. 	<p>This package will relieve traffic pressures on Holyhead Road, ensuring reduced traffic flows and freer-flowing traffic thereby reducing NO₂ levels at the worst pollution hotspot within the city.</p> <p>The opening up of Upper Hill Street will facilitate this by allowing the closure of Barras Lane to through traffic and the removal of the signals from the Barras Lane / Holyhead Road junction, thereby removing queuing traffic from Holyhead Road.</p> <p>The improvements at Spon End and J7 will also facilitate this by</p>

	<p>4 B4106 Spon End improvement scheme to increase capacity and improve routes for pedestrians and cyclists.</p> <p>5 Improvement to Ring Road Junction 7 to increase capacity and improve routes to the city centre for pedestrians and cyclists.</p>	<p>increasing the capability of the parallel route to Holyhead Road to accommodate traffic diverting from Holyhead Road.</p> <p>Collectively, these changes will enable the Council to proactively manage traffic flows entering the city from the west by directing traffic along the corridor that will have the least air quality impact.</p> <p>These improvements will also benefits walking, cycling and public transport services.</p>
Foleshill Road traffic management	<p>Removal of through traffic from Foleshill Road and the diversion of such traffic onto the A444 through measures such as the introduction of bus gates, HGV restrictions or re-modelling of junctions to deter through traffic movements.</p> <p>These measures will be reviewed following the early introduction of temporary traffic management measures through the Emergency Active Travel Fund aiming at supporting walking, cycling and social distancing in response to COVID-19 travel guidance.</p>	<p>The reduction in NO₂ levels of Foleshill Road will be achieved through the removal of through traffic, and a variety of measures could be adopted to achieve this. The dual carriageway A444 offers the preferred route into the city centre from the north, and there is no need for through traffic to use Foleshill Road.</p>

- 2.9 Consultation will be undertaken on these measures, including statutory consultation where Traffic Regulation Orders are required. Any representations on these Traffic Regulation Orders will be considered by the Cabinet Member for City Services. These consultations will inform the Full Business Case which needs to be submitted to the Joint Air Quality Unit in compliance with the Direction. The approval of this Full Business Case will be the subject of a separate report which will be brought to Cabinet at the appropriate time in advance of formal submission.

Procurement Strategy

- 2.10 Finally, procurement options that will smooth the process of designing and constructing the individual schemes that comprise the Local Air Quality Action Plan are being investigated, including design and build options.

Compulsory Purchase Order

- 2.11 Whilst progress with property/interest owners are being made in discussing acquisitions and dedications of land that will be necessary to deliver the scheme, land assembly remains a critical issue for the delivery of the scheme. Clearly the scheme cannot be

delivered across land that is not in the ownership of the Council and without this, certainty cannot be gained to the likely programme of delivery of the scheme.

- 2.12 The Council has already commenced discussions with landowners regarding the acquisition of land required for the scheme. However, in order to deliver the scheme as a single project, all relevant land interests will need to be brought in, in a timely way, meaning that a construction programme could only progress with certainty at a rate dictated by the timing of the last acquisition. The consideration of the potential need to use powers of compulsory acquisition is therefore considered to be essential, to facilitate delivery of the scheme in line with the Council's intended programme.
- 2.13 Whilst it is anticipated that further progress can be made on the negotiated approach for some parcels of land and legal interests it is good practice and appropriate to consider the use of compulsory purchase powers.
- 2.14 The government recognises in its "Guidance on Compulsory Purchase" dated October 2015, (the CPO Guidance), that if acquiring authorities wait for negotiations to break down, this can have detrimental impacts on the timing of delivery of public projects. Therefore, depending on when the land is required, the guidance considers it sensible for an acquiring authority to:
- 2.14.1 plan a compulsory purchase as a contingency measure; and
 - 2.14.2 initiate formal procedures.
- 2.15 The CPO Guidance requires acquiring authorities to attempt to acquire land by agreement before embarking on the CPO process, although it is recognised that for schemes involving the acquisition of the number of interests, it is sensible to run the CPO process in parallel with ongoing negotiations.
- 2.16 This report seeks members support for a resolution 'in principle' for the use of compulsory purchase powers to assemble the scheme site, should all reasonable attempts to acquire the necessary land and interests fail. As the guidance makes clear, use of compulsory purchase powers is intended as a 'last resort'. Officers acknowledge that if any CPO was to be made, the Council would require further updating and justification:
- that there was a compelling case in the public interest;
 - that there were no planning, funding or other legal impediments to the scheme being delivered,
 - that all reasonable attempts to acquire all interests by agreement have not been successful;
 - for any interference with the human rights of those with an interest in the land affected; and
 - that any assessment of the impacts on residents, visitors and employees be measured and evaluated, with special focus on the likely effect of the proposals on those sharing protected characteristic (race, pregnancy, age, disability, gender reassignment, marriage/civil partnerships, religion/belief, sex, sexual orientation (as defined by the Equality Act 2010)) be made, in order for the Council to fully understand those impacts, and to consider measures to mitigate impact, make reasonable adjustment, and foster good relations between those sharing protected characteristics, and those who do not.
- 2.17 A resolution approving the 'in principle' use of compulsory purchase powers at this stage in the process, will demonstrate the Council's commitment to the timely delivery of the scheme and its related benefits.

Traffic Regulation Orders

2.18 In order to secure delivery of the measures and to ensure compliance with the Direction, there will be a need to secure a range of Traffic Regulation Orders. These Orders will be necessary to allow certain elements of the package to be successfully delivered, and include:

- The closure of Barras Lane to all vehicular traffic [except cycles] at its junction with Holyhead Road.
- The removal of the traffic signals from the Holyhead Road / Barras Lane signals.
- The creation of a segregated cycleway linking Upper Hill Street with Norman Place Road.
- The closure of the subway under to railway at Coundon Road to vehicular traffic, excluding cycles.
- The creation of priority for Coundon cycleway traffic over all side road traffic.
- The closure of Pake's Croft at its junction with Barker Butts Lane to facilitate the creation of the Coundon cycleway. Access from Troughton Crescent only.
- The restriction of Hollyfast Road at its junction with Westhill Road to facilitate the creation of the Coundon cycleway. Hollyfast Road to be exit only.
- The restriction of Browett Road at its junction with Barker Butts Lane to facilitate the creation of the Coundon cycleway. Browett Road to be exit only.
- The restriction of Abbots Lane at its junction with Upper Hill Street to facilitate the creation of the Coundon Cycleway. Abbots Lane to be left out only.
- The removal of the Moat Street Car Park.
- Amendments to parking restrictions on various streets, including the B4106 Spon End, Holyhead Road, Barras Lane, Upper Hill Street, Coundon Road.
- The introduction of a Low Emission Zone on the section of Holyhead Road between Barras Lane and the ring road.
- Any Orders required to implement traffic management measures on Foleshill Road to deter the use of this route by through traffic. The nature of these Orders will depend upon the outcome of initial measures that are under consideration for implementation under the Emergency Active Travel Plan being delivered in response to the current COVID-19 pandemic.

3. Update on consultation undertaken to date

- 3.1 Consultation on the Local Air Quality Action Plan commenced on 16th March 2020, immediately prior to the imposition of restrictions on travel and public gatherings arising from the COVID-19 pandemic. Consultation material was published on the Council's website, and on the Let's Talk page, and an initial stakeholder meeting was held on 16th March. A series of public meetings and drop-in events were scheduled for late March and early April 2020, but these were cancelled as a result of the COVID-19 restrictions.
- 3.2 In light of the impact of COVID-19, and following a number of requests from stakeholders, the consultation period was extended from the planned end date of 26th April through to 31st May. In addition, four on-line stakeholder events were held, using Microsoft Teams, and these were successful in broadening the reach of the consultation and allowing some level of face-to-face contact with stakeholders.
- 3.3 Around 350 responses were received to the consultation, which comprised both completed survey questionnaires filled in on-line and individual representations received by e-mail. Reflecting the nature of the Local Air Quality Action Plan, the responses covered a wide range of issues. The consultation report considers these in detail, but a summary of the key points, and recurring themes, made by respondents is given below:

- The inclusion of the Coundon Cycle Route was generally welcomed, but many respondents felt that more segregated cycle routes should have been included in the local plan scheme.
- Many respondents queried why the Local Air Quality Action Plan focuses purely on NO₂ and felt that the scope of the plan should be broadened to cover other pollutants.
- Investment in the greening of the fleet, with more low emission vehicles, was generally welcomed.
- Some respondents queried why the local plan scheme involves the creation of additional highway capacity, especially at Spon End.
- Other respondents expressed concern over the impact on the St Osburg's School of the re-opening of Upper Hill Street.
- Some respondents felt that greater emphasis should be placed upon the introduction of green infrastructure, such as tree planting and green walls, within the local plan scheme.

3.4 The individual measures that comprise the local plan scheme will be subject to further consultation as they progress through detailed design as well as statutory consultation where specific Traffic Regulation Orders are required to fully implement the schemes. As stated in paragraph 2.9 above, these consultations will inform the Full Business Case which needs to be submitted to the Joint Air Quality Unit in compliance with the Direction. The approval of this Full Business Case will be the subject of a separate report which will be brought to Cabinet at the appropriate time in advance of formal submission.

4. Timetable for implementing this decision

4.1 Whilst the Direction required the Council to submit the Full Business Case as soon as possible and no later than 19th June 2020, the nature of the impact caused by the Covid-19 pandemic means that the Full Business Case for the Local Air Quality Action Plan is now likely to be submitted by the end of 2020. In order to ensure compliance within the shortest practical time, construction will begin on elements of the package prior to FBC submission once statutory processes have been completed. This includes the Coundon Cycleway upon which work will commence in Autumn 2020. The timetable for construction of the highway infrastructure measures will be dependent upon the completion of the statutory processes, but it is intended that construction on some elements of the package will commence in late 2020, and that completion of all schemes will be achieved by the end of 2021.

4.2 Work on the engagement programme will commence this summer, with a view to being able to commence the engagement initiatives with schools, businesses and local communities in September 2020. This programme will run through to 2023.

5. Comments from the Director of Finance and the Director of Law and Governance

5.1 Financial implications

The Government has already awarded the Council £24.5 million in grant funding from the Air Quality Implementation Fund for the purpose of delivering the local plan scheme in line with the instruction set out in the Direction. The award comprises £20 million in capital funding to implement the local plan scheme to achieve compliance with the legal limit for nitrogen dioxide levels and £4.5 million in revenue funding for the implementation of associated measures.

This sets a clear budget for the delivery of the Local Air Quality Action Plan package, although the submission of the full business case later in 2020 will offer an opportunity to seek additional funding based on updated financial information such as construction contract prices resulting from tender processes for the individual schemes.

There will be additional cost liabilities placed upon the Council through the construction of new highway and cycleway infrastructure, although these are considered to be minimal given the small amount of additional carriageway being created, the removal of some existing carriageway at Junction 7, and the reduced wear and tear on other sections of highway, such as Barras Lane, where traffic flows will be significantly reduced. The removal of the traffic signals from the Holyhead Road / Barras Lane junction will also reduce maintenance costs associated with that installation. Any additional cost liabilities will be manageable within existing highways investment budgets.

The proposed scheme at Junction 7 on the ring road will result in the removal of the Moat Street car park. This will potentially result in a loss of income for the Council, although there is sufficient parking capacity elsewhere in the city centre to accommodate the existing parking demand currently met at Moat Street car park. The financial package for the local plan scheme also allows for compensatory funding to cover any loss of income arising from the loss of the car park.

5.2 Legal implications

Air Quality Proposal

On 12th February 2020, the Parliamentary Secretary of State for the Environment issued the Environment Act 1995 (Coventry City Council) Air Quality Direction 2020.

The Direction imposes a legal obligation on the Council to achieve compliance with the legal limits for NO₂ in the shortest possible time, and to submit the full business case for the local plan scheme to Government's Joint Air Quality Unit. The submission date for the full business case as set out in the Direction is 19th June 2020, but following the Council's decision to extend the consultation period for the Local Air Quality Action Plan, due to the impact of COVID-19, as well as delays to the scheme design programme, it has been agreed with the Government that the full business case submission date be extended to December 2020.

In the event that the Council fails to deliver the local plan scheme in compliance with the Direction, or if the scheme is delivered but the reduction in NO₂ levels is insufficient to achieve compliance with legal limits, then there is a risk that Government might either issue a further Direction instructing the Council to implement a Clean Air Zone as an alternative, or might choose to take legal action against the Council. Therefore, it is important that the Council progresses the local plan scheme as quickly as possible and ensure compliance with the Direction.

Compulsory Purchase Order

Section 120 of the Local Government Act 1972 authorised the Council to acquire by agreement any land for the benefit, improvement, or development of the Council's area or for purposes of any of the Council's functions under any enactment, notwithstanding that the land is not immediately required for such purposes.

Sections 239, and 240 of the Highways Act 1980 (the Act) are the principle powers covering the acquisition of land for the construction of new highways and the improvement of existing highways. Section 240(2) of the Act authorises the Council to acquire compulsorily or by agreement any land which is required for use by the Council in connection with the construction or improvement of highway. Section 246 authorises the acquisition of land in advance of requirement (the Council may not need to rely on this if no land is required in advance), section 249 relates to distances limits for land acquisition for various purposes, section 250 authorises the acquisition of new rights, and section 260 relates to the inclusion in a CPO of land acquired by agreement where it is necessary to override the effects of a restrictive covenant or other third party right. Sections 14 and 125 are the main relevant powers where a side roads order is required.

The precise suite of powers required will be settled upon once land requirements and other matters relating to the scheme are finally determined.

Procurement

The Council is under a statutory duty to ensure compliance with the Direction. The means by which it discharges that duty is by securing delivery of the package of measures which will require the appointment of a contractor and consultants. The value and nature of the service means that pursuant to the Public Contracts Regulations 2015 (PCR) the Council is under obligation to conduct an OJEU procurement (i.e. appointment after formal advertisement and tender process). The procurement process to select the contractor and consultants will therefore be compliant with the PCR, as well as the Council's Contract Procedure Rules for a contract of this size.

Traffic Regulation Orders

The Road Traffic Regulation Act 1984 allows the Council to make a Traffic Order on various grounds e.g. improving safety, improving traffic flow and preserving or improving the amenities of an area provided it has given due consideration to the effect of such an order. In accordance with Section 122 of the Road Traffic Regulation Act 1984, when considering whether it would be expedient to make a traffic order the Council is under a duty to have regard to and balance various potentially conflicting factors e.g. the convenient and safe movement of traffic (including pedestrians), adequate parking, improving or preserving local amenity, air quality and/or public transport provision.

The 1984 Act provides that once a Traffic Order has been made it may only be challenged further via the High Court on a point of law (i.e. that the Order does not comply with the Act or regulations for some reason).

6. Other implications

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

These proposals support the Council's core aims, as set out in the Council Plan, by:

- improving health and wellbeing by improving air quality through the reduction in NO₂ levels;
- creating an attractive, cleaner and greener city by providing improved cycle routes and better public realm on key routes into the city, and;
- making the city more accessible for businesses, visitors and local people through better road connections, especially from the A45.

6.2 How is risk being managed?

Given the complex nature of the local plan scheme, with a mixture of infrastructure projects and engagement initiatives needing to be delivered, there are inevitably risks to the successful implementation of the scheme, and the achievement of compliance with the NO₂ legal limits within the city, which is the over-riding objective of the Local Air Quality Action Plan.

The key risks include securing the necessary statutory orders and approvals to deliver the infrastructure schemes, such as land acquisition, Traffic Regulation Orders, and planning consents. Managing scheme costs to ensure that scheme delivery can be achieved within the £24.5 million budget is another key risk area, especially in an economic environment where construction costs are generally increasing due to strong competition for resources with major projects such as HS2.

A further risk is that a failure to successfully deliver the local plan scheme and achieve the NO₂ compliance might result in Government directing the Council to implement a Clean Air Zone, which would potentially result in significant economic and social disbenefit to the city.

Management of these risks is overseen by the Air Quality Programme Board, which in turn reports into the Strategic Transport Board. Significant consultation has been undertaken on the local plan scheme, with the aim of ensuring that any major issues with the package of measures is identified at an early stage, and potential objections to any aspect of the package dealt with prior to the process of securing the statutory approvals required for the scheme. Similarly, with regard to land acquisition, approval is being sought to progress a Compulsory Purchase Order if required to avoid undue delays in delivering the scheme due to land acquisition problems.

6.3 What is the impact on the organisation?

There is no impact on the organisation, as all resources required to deliver the local plan scheme will be funded through the Air Quality Implementation Fund grant received from Government.

6.4 Equality Impact Assessment (EIA)

An Equality Impact Assessment has been prepared for the Local Air Quality Action Plan. This identifies that the local plan scheme, by having a beneficial impact on air quality, will have a beneficial impact upon those groups of the community who are particularly vulnerable to respiratory disease, such as children and younger people, elderly people, disabled people, people from a black and ethnic minority background, and women who are pregnant. The scheme will also, by improving walking and cycling routes on the Holyhead Road corridor in particular, benefit people in more deprived areas of the city where car ownership is lower, and reliance on walking and cycling for local journeys will be greater.

6.5 Implications for (or impact on) climate change and the environment

The local plan scheme has been shown, through the modelling work undertaken, to have a beneficial impact upon air quality by bringing NO₂ levels down to below the legal limit set by Government. The scheme will result in modal shift, as well as a cleaner fleet of vehicles operating within the city, and reduced congestion on some of the main routes into the city. This will support the delivery of the Climate Change Strategy.

6.6 Implications for partner organisations?

The local plan scheme will result in improved air quality and will provide improved infrastructure for pedestrians, cyclists and other road users travelling within the City. This will have a beneficial impact upon local communities within the City, and a positive impact upon health.

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