

Greater Manchester's Clean Air Plan – Tackling Nitrogen Dioxide Exceedances at the Roadside – Consultation Materials

1 BACKGROUND (all but Oldham, Rochdale and Wigan)

- 1.1 In July 2017 the Secretary of State issued a Direction under the Environment Act 1995 requiring seven Greater Manchester local authorities, including Trafford Council to produce a feasibility study to identify the option which will deliver compliance with the requirement to meet legal limits for nitrogen dioxide *in the shortest possible time*.
- 1.2 In accordance with this Direction Trafford Council has been developing the study collectively with the other 9 Greater Manchester local authorities and the GMCA, coordinated by TfGM in line with Government direction and guidance and an Outline Business Case (OBC) was duly submitted in March 2019.
- 1.3 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.
- 1.4 The ministerial letter that accompanied the July 2019 direction 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.
- 1.5 Trafford Council along with the other 9 Greater Manchester local authorities is now subject to a Ministerial direction dated 16 March 2020 requiring the submission of an Interim Full Business Case (FBC) (along with confirmation that all public consultation activity has been completed) as soon as possible and by no later than 30 October 2020. Under this direction Trafford Council along with the other 9 Greater Manchester local authorities is under a legal duty to ensure that the GM CAP (Charging Clean Air Zone Class C with additional measures) is implemented so that NO₂ compliance is achieved in the shortest possible time and by 2024 at the latest and that human exposure is reduced as quickly as possible.

2 INTRODUCTION

- 2.1 A report that set out the progress that has been made on the development of Greater Manchester's Clean Air Plan was considered on 28th September 2020 at the Council's Cabinet/ Council meeting. The report outlined that the GM Local Authorities will move to a statutory public consultation on the GM Clean Air Plan, the link to taxi and private hire common minimum licensing standards and considered the formal governance mechanisms that will underpin the delivery of a GM Clean Air Zone (CAZ) and the supporting measures
- 2.2 At this time a delegation was given to Corporate Director, Place to approve the GM Clean Air Plan consultation materials, to include the Equalities Impact Assessment on the consultation.
- 2.3 The purpose of this report is to summarise the contents of the GM CAP consultation materials that are required to be formally agreed by the Local Authorities, namely the:

- Consultation document;
- Survey form;
- Consultation Activity – Equalities Impact Assessment
- GM Delivery Plan; and
- Local Delivery Plan.

3 CONSULTATION ACTIVITY

- 3.1 The GM authorities have been directed by Government to introduce a Category C Clean Air Zone across the region. There is a requirement under the Transport Act 2000 to consult 'such a local persons as [the GM authorities] consider appropriate about the charging scheme'.
- 3.2 The statutory nature of the consultation affords a large degree of discretion to the consulting authorities about the manner in which such persons are consulted, but it will need to address the contents of the scheme and how it will promote relevant local transport policies and explain the fundamentals of the CAZ, i.e. the proposed boundary, times of operation and vehicle types that would be subject to charges if non-compliant, the charges and discounts and exemptions. It is likely that the charges, discounts and exemptions may be most affected by responses to the consultation, given that some of the other elements of the CAZ, such as the need for a CAZ and the category of CAZ are mandated by the Ministerial Direction.
- 3.3 The supporting measures, the detail of proposals of the funds and vehicle finance, will also be set out to enable consultees to respond fully to the GM CAP proposals.
- 3.4 GM will be conducting a consultation that adheres to the Government guidance around social distancing and any regulations in place and undertake engagement activity that will enable residents, businesses and visitors to engage with the consultation materials and respond in a meaningful way
- 3.5 The GM Authorities engagement activity will use the CleanAirGM visual identity and will be coordinated by TfGM at a Greater Manchester-wide level and each GM authority will have their own local delivery plan for consultation with their residents and businesses.
- 3.6 The GM Authorities will use both online and offline channels to promote the consultation, (including social media, digital advertising, out of home advertising, media and PR, working with stakeholders and other routes).
- 3.7 As a consequence of COVID-19 and the associated government guidance, traditional consultation-style events and drop-in sessions will not be able to be hosted due to the restrictions on large gatherings and therefore online events, webinars, and social media will be used in order to answer questions and engage. In recognition of the COVID-19-related restrictions GM are to utilise a Virtual Engagement space. This is a web-based solution that will allow us to reflect the same level of detail shared in a traditional physical presentation, with the advantage of being able to host live chat sessions, as well as having a feedback portal for users to post their comments. It can be accessed from any computer or mobile device.

3.8 Trafford Council recognises that any consultation conducted in a time of COVID-19-related restrictions will be different to previous consultations and officers are to do everything they reasonably can to ensure that the consultation is fair and that the Council fulfils its statutory duties for consultation.

3.9 In order to offer non-digital channels, hard copy materials can be requested via a dedicated phonenumber (hosted by TfGM). This phonenumber will also allow people to make a 'response via phone' as an additional method due to COVID-19 and the lack of opportunity for face-to-face engagement. This will be promoted throughout the consultation.

4 CONSULTATION MATERIALS

4.1 Contents of the consultation materials:

Title	Description
Consultation document – attached as Appendix 1	<p>Explains the proposals for consultation, it provides enough information on the proposals to be able to submit a meaningful response to the consultation. Information from the policy document is included and supplemented by infographics to make it easier to understand. Links to additional documents for further information are also included.</p> <p>The document reflects how the enforcement of the Greater Manchester Clean Air Zone will be undertaken. For the purposes of clarification, this includes if the person or organisation named on the PCN does not either pay the amount specified on the PCN or make a representation in relation to it, on the grounds specified in regulation 8(3) of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (Penalty Charges Regulations) within 28 days of it being issued, then a Charge Certificate would be issued and the penalty charge would be subject to a statutory increase of 50% (as set out in the Penalty Charges Regulations) to £180 (in addition to the daily charge).</p> <p>The document also embeds the questions that are asked within the survey form.</p>
Survey Form – attached as Appendix 2	<p>Holds the questions that are being asked to gather feedback on the proposals.</p> <p>The questionnaire includes a mixture of open and closed questions. The questions do not ask about the implementation of a Clean Air Zone or the types of vehicles that are charged, as this has been directed by government, but consultees will be able to have their say on elements of the scheme including:</p> <ul style="list-style-type: none"> • The Clean Air Zone; the detail of the proposed boundary (already set at GM-wide), the proposed operation, the proposed charges and discounts and exemptions;

Title	Description
	<ul style="list-style-type: none"> • The supporting measures: the funds and vehicle finance to support impacted vehicles (including ‘try before you buy’ and grants towards the running costs of a Zero Emission Capable vehicle for Taxi / Private Hire); and • The impacts of the COVID-19 pandemic on the ability of businesses / organisations to respond to the proposals.
<p>Consultation Activity – Equalities Impact Assessment – attached as Appendix 3</p>	<p>An Equalities Impact Assessment that TfGM and the GM Authorities has developed to review the consultation methodology at a GM level to ensure:</p> <ul style="list-style-type: none"> • equality of opportunity is advanced between persons who share a relevant protected characteristic under the Equality Act 2010 and those who do not; • any methodology being proposed does not exclude any of the groups with protected characteristics; and • that any issues arising due to the current situation in relation to the COVID-19 pandemic are appropriately mitigated.
<p>GM Delivery Plan – attached as Appendix 4</p>	<p>Sets out the consultation activity at a GM level which will be coordinated by TfGM</p>
<p>Local Delivery Plan – attached as Appendix 5</p>	<p>Sets out the local delivery plan that Trafford Council has developed to supplement the centrally coordinated activity for consultation and engagement activity with our residents and businesses (Each local authority is responsible for checking their local delivery plan to ensure that it meets local authority duties and provides equal access to the consultation from an equalities perspective)</p>

5 RECOMMENDATION

5.1 The Corporate Director, Place is recommended to approve the GM CAP consultation materials, namely the:

- Consultation document,
- Survey form;
- Consultation Activity – Equalities Impact Assessment;
- GM Delivery Plan; and
- Local Delivery Plan.