



## CABINET

13<sup>th</sup> June 2018

**Subject Heading:**

**Draft Air Quality Action Plan**

**Cabinet Member:**

**Cabinet Member for Public Protection & Safety**

**SLT Lead:**

**Steve Moore**

Director of Neighbourhoods

**Report Author and contact details:**

**Dipti Patel** Assistant Director Environment  
**Christina Zervou**

Environment Protection Officer

Email: christina.zervou@haverling.gov.uk

**Policy context:**

The Draft Air Quality Action Plan has been produced to comply with Part IV of the Environment Act 1995 and outlines the actions Havering Council will take to improve air quality in the Borough between 2018 and 2023.

**Financial summary:**

There is a budget of £0.125m allocated to Havering from the TfL Local Implementation Plan (LIP) funding stream for the 2018/19 period. Funding for future years is expected from the TfL LIP fund subject to successful submissions. Lack of adequate funding may result in non delivery of the Air Quality Action Plan, there may be significant financial implications for continuing to breach the national Air Quality Standards.

**Is this a Key Decision?**

Yes (c) Significant effect on two or more Wards

**When should this matter be reviewed?**

The Air Quality Action Plan is a five-year plan (2018-2023), therefore it should be reviewed in 2023

**Reviewing OSC:**

Environment Overview & Scrutiny

### **The subject matter of this report deals with the following Council Objectives**

Communities making Havering

[X]

Places making Havering

[]

Opportunities making Havering

[X]

Connections making Havering

[X]

## **SUMMARY**

The Air Quality Action Plan (AQAP) has been prepared to comply with the statutory requirement under Part IV of the Environment Act 1995 since the borough has been designated an 'Air Quality Management Area'. The plan outlines the actions Havering Council will take to improve air quality in the Borough between 2018 and 2023.

It will support Havering as the second greenest borough in London by further developing green areas to combat air pollution, provide alternative modes of transport for residents and deal with key pollution sources such as buses. It will ensure we are lobbying regionally to ensure better air quality in Havering, as well as protecting and empowering vulnerable communities from air pollution.

This decision follows on from the Cabinet report and decision made on 13<sup>th</sup> December 2017 in which members agreed for formal consultation to take place on the draft AQAP.

The consultation process was undertaken for 10 weeks between the 3<sup>rd</sup> January and 15<sup>th</sup> March 2018. The comments received included responses from statutory consultees (such as the Greater London Authority, the Environment Agency etc.), internal Services and the public. These responses have been taken into account and an updated version of the draft AQAP has been produced and attached in Appendix 1.

The majority of the proposed changes to the proposed AQAP are minor amendments. The key changes are outlined in Section 4 of the Report Detail. A Summary of consultation responses, including the Council's responses to the issues raised and the resultant changes to the AQAP, is also attached (Appendix 2).

Further to the minor changes the actions set out in the AQAP are now grouped into four Action Policies:

Action Policy 1: Air Quality Monitoring and Modelling

Action Policy 2: Public Health and Awareness Raising to encourage Smarter Travel

Action Policy 3: Reducing Emissions from Buildings and Developments

Action Policy 4: Reducing Emissions from Transport.

The recommendation is to approve and adopt the revised AQAP reflecting necessary changes following consultation, in order to fulfil our statutory duties and improve Havering's air quality.

Attachments to report;

Appendix 1 – Draft London Borough of Havering Air Quality Action Plan 2018-2023

Appendix 2 – Summary of consultation responses to the Draft London Borough of Havering Air Quality Action Plan 2018 – 2023

Appendix 3 – Equality Impact Assessment of the Air Quality Action Plan

## **RECOMMENDATIONS**

**Cabinet is recommended to approve and adopt the final Air Quality Action Plan in Appendix 1.**

## **REPORT DETAIL**

### **1. Background**

- 1.1 Part IV of the Environment Act 1995 provides that every local authority shall review the air quality within its area, both at the present time and the likely future air quality. It shall also cause an assessment to be made of whether air quality standards and objectives for certain pollutants, set out in the Air Quality Standards Regulations 2010 are being achieved, or are likely to be achieved within the relevant period within its area.
- 1.2 Where air quality objectives are not being achieved, or are not likely to be achieved within the relevant period, Section 83 of the Environment Act 1995 requires local authorities to designate an Air Quality Management Area (“AQMA”). Once the area has been designated, section 84 requires the local authority to develop an “Air Quality Action Plan” (AQAP) detailing remedial measures to tackle the problem within the AQMA. The AQAP must also have regard to the London Local Air Quality Management Policy Guidance 2016 on air quality issued by the Greater London Authority (GLA).
- 1.3 Based on the above statutory framework, the Mayor of London has also introduced the Local Air Quality Management system for London (“LLAQM”). The main requirements for London local authorities under the LLAQM are to continue to monitor and assess air pollution, to ensure an AQMA is declared where required, to complete Annual Status Reports on air quality and ensure that a relevant AQAP is in place for all AQMAs.
- 1.4 Although Havering is an “outer London” borough, known for its large areas of green space and close proximity to Essex, air quality is still a significant issue. In September 2006 the entire London Borough of Havering was designated an Air Quality Management Area (AQMA) for Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>).

- 1.5 The health impacts of air pollution should not be underestimated. Havering has a high percentage of residents over the age of 65 and many young families. These groups (the elderly and children) are particularly susceptible to the effects of poor air quality. The effects range from cardiovascular disease and asthma, respiratory disorders and over a prolonged period have been linked to some cancers.
- 1.6 Client Earth continues to take the UK to court over its inadequate Air Quality Action Plan. If the UK continues to breach air quality limits within the next few years a lump sum fine, penalty payment, daily five-figure fines or a combination of these will be issued to the UK.

## **2. Contents of the proposed AQAP**

- 2.1 The AQAP consists of a variety of information explaining air pollution, its effects on human health, the current status of air quality in Havering, sources of pollution, current Council practices, policies, vision, priorities and future actions with regard to improving air quality across the entire Borough. The AQAP also aims to increase awareness, knowledge and understanding of air quality and help everyone who lives, commutes or works in Havering to reduce their own exposure as well as to improve local air quality.
- 2.2 The overarching aims of the AQAP are to;
1. Comply with legislation and GLA London Local Air Quality Management Framework.
  2. Continue to meet EU Objectives for 1,3-Butadiene, Benzene, Carbon Monoxide, Lead, PM<sub>10</sub>.
  3. Continue to reduce concentrations of PM<sub>10</sub> and PM<sub>2.5</sub>
  4. Continue to reduce concentrations of NO<sub>2</sub> to meet the national objective for NO<sub>2</sub>.
- 2.3 The actions set out in the AQAP have been grouped into the following four Action Policies:
- i. *Action Policy 1- Air Quality Monitoring and Modelling.* By monitoring the air quality around the borough, information can be gathered on long term trends in pollution levels, so that we can assess our compliance with air quality objectives, evaluate the effectiveness of policies and projects and keep our residents up to date on the progress made.
  - ii. *Action Policy 2 - Public Health and Awareness Raising to encourage Smarter Travel.* Informing, educating and raising public awareness about the local air quality and the effects it can have, is one of the ways to protect the most vulnerable of society and those particularly sensitive to the health impacts of air pollution. This information can provide people with the necessary tools to help reduce their exposure to poor air quality and promote a change in lifestyle, which in turn can help improve air quality.

- iii. *Action Policy 3 - Reducing Emissions from Buildings and Developments.* Though welcome and beneficial for the borough, continued development and growth will inevitably have a detrimental impact on air quality unless action is taken to mitigate these impacts in order to protect those who live, work and visit Havering. This Action Policy includes a number of long-term actions to support development, while ensuring environmental sustainability of major developments.
- iv. *Action Policy 4 - Reducing Emissions from Transport.* Road Transport is the greatest contributor to NO<sub>2</sub> emissions in Havering, accounting for 65.7% alone. This Action Policy includes actions to reduce the air quality impact of the Council's fleet, as well as to help and support businesses to reduce their own air quality impact.

### **3. Consultation**

- 3.1 Following the approval for consultation of the Draft London Borough of Havering Air Quality Action Plan (AQAP) 2018-2023 in December 2017, a consultation process was undertaken for 10 weeks between the 3<sup>rd</sup> January and 15<sup>th</sup> March 2018. There were three main groups of consultees during the consultation process:
  - *Statutory consultees* (The Secretary of State / Defra, the Mayor of London, the Environment Agency, Transport for London, all neighbouring boroughs, other public authorities, bodies representing local business interests and other persons/ organisations, as considered appropriate)
  - *Internal services* (Public Health, Transport Planning, Planning, Development, Communications, Regeneration, Trading Standards, Highways, Parking, Housing, Asset Management, School Organisation Team, Legal Services)
  - *The public*
- 3.2 The above statutory consultees were consulted directly by email. Havering Friends of the Earth were consulted as the main environmental group in Havering. The consultation was made widely available through Havering consultation webpage. To make it easier for people to provide comments on the Draft AQAP, a survey with specific questions on the AQAP was designed (Survey Monkey) and the link was provided on the consultation webpage.
- 3.3 In order to alert members of the public to the consultation, posters advertising the consultation were posted in all Havering libraries and a few hard copies of the Draft AQAP were made available. Three public sessions were carried out at the Romford Library, South Hornchurch Library and the Council's Public Advice and Service Centre (PASC), during which members of the public had the opportunity to know more about the Council's actions to improve air quality and the consultation on the Draft AQAP. Facebook

and Twitter were also used by the Council's Communications Team to promote the AQAP consultation.

- 3.4 The consultation received a total of 94 responses; 84 responses represented the views of individuals / individual organisations from the public, 4 responses represented the views of statutory consultees (Greater London Authority, the Environment Agency, London Borough of Redbridge and Havering Friends of the Earth) and 6 were responses from the Council's internal services. All consultation comments and the Council's responses to the issues raised are included in detail in the Summary of Consultation Responses document attached as Appendix 2.

#### **4. Proposed Changes to the Draft AQAP (post-consultation)**

- 4.1 All consultation responses received from the consultation were carefully considered and, where appropriate, suggestions have been incorporated into the Draft AQAP. The proposed updated version of the Draft AQAP attached in Appendix 1 includes comments providing reasons for the changes made.

- 4.2 The majority of the proposed changes to the Draft AQAP are minor amendments (to provide clarifications, bring the AQAP up to date, correct minor typos).

- 4.3 The key proposed changes to the Draft AQAP are as follows:

4.3.1 *The following actions have been set as top three priorities of the AQAP:*

- Action Policy 2, Action 2.3: Support TfL led initiative to commission a cross borough bus rapid transit study which would include looking at options for improving access to the London Riverside BID.
- Action Policy 3, Action 3.10: Deliver infrastructure to ensure that Romford, Rainham and Beam Park Housing Zones are accessible by means other than the car and that residents are provided with options to travel sustainably. For example a new tram route.
- Action Policy 4, Action 4.2: Investigate the feasibility of introducing dedicated drop off zones outside all schools for buses & coaches.

The first two aim to improve accessibility to Romford, Rainham and Beam Park areas by creating and promoting a choice of sustainable transport modes for the residents. The third is expected to reduce congestion outside schools and in surrounding local roads and therefore lead to air quality improvement on the school run.

- 4.3.2 *Targets have been set for specific actions.* This change was made in response to the GLA's comment. Setting measurable targets for all the actions was not possible, however targets have now been added, where possible, and the progress of these actions will be assessed against the targets set.

**4.3.3** *The following two actions have been added:*

- Action Policy 4, Action 4.10: Undertake feasibility work to examine the air quality implications of re-routing buses away from Romford Town centre and look at options for improving sustainable travel access into Romford Town centre. Romford Town centre is one of the local “hotspots” in Havering and based on data from the GLA buses contribute the most of all modes of road transport to NO<sub>2</sub> concentrations in Romford town centre. The proposed action aims to address air pollution in the area as well as to improve access into Romford town centre.
- Action Policy 4, Action 4.11: Continue to routinely check weighbridges used commercially by (usually large) vehicles, to reduce the number of overloaded vehicles. Routine checks of the weighbridges across east London and Southwark are already carried out by the Council’s Trading Standards & Metrology. The available evidence suggests that overloaded vehicles may have higher emissions (and therefore increase air pollution), as such this action is expected to reduce the number of overloaded vehicles and therefore their emissions.

**4.3.4** *The following three actions have been deleted:*

- Action Policy 1, Action 1.3: Re-assess the status of the whole of Havering being declared an Air Quality Management Area (AQMA) and focus on key “hot spots” and major routes in the borough. This action has been deleted, as per the GLA’s request, as it was considered not to be in line with the Mayor’s air quality policies.
- Action Policy 2, Action 2.4: Promote use of public transport. This action was too general and already covered by other more specific actions under Action Policy 2, as such, it has been decided to delete this action.
- Action Policy 3, Action 3.11: A1306 redesign. This action was already covered by Action 3.10, as such, it has been decided to delete this action.

<b>REASONS AND OPTIONS</b>
----------------------------

**5. Reasons for the decision**

- 5.1 The draft AQAP has been produced to comply with statutory duty under Part IV of the Environment Act 1995. As described in Section 1 of the Report Detail, once an AQMA has been declared, there is a legal requirement for the local authority to produce an AQAP detailing remedial measures to tackle the problem within the AQMA. The AQAP has had regard to guidance on air quality issued by the Greater London Authority (GLA).
- 5.2 Poor air quality has a direct impact on the health and wellbeing of our residents, workers, commuters and visitors but it particularly affects the

most vulnerable of our society; children, the elderly and those with pre-existing medical conditions. Therefore, taking actions to reduce the concentrations of key pollutants and improve Havering's air quality is high priority.

## **6. Other options considered**

### **6.1 *Havering Council does not adopt an Air Quality Action Plan***

This option was rejected because the Council would not comply with its statutory duties under Part IV of the Environment Act 1995 and the Local Air Quality Management system for London. Furthermore, increasing the level of knowledge and initiatives to tackle areas of poor air quality in Havering will help the Council to improve the public health of Havering's community.

## **IMPLICATIONS AND RISKS**

## **7. Financial implications and risks**

- 7.1 There is a budget of £0.125m allocated to Havering from the TfL Local Implementation Plan (LIP) funding stream for the 2018/19 period. This funding will be allocated to a number of prioritised actions of the AQAP (including a full time officer (estimated cost £0.070m) to project manage the implementation of the AQAP). Actions will be prioritised to align with the GLA and Councils aims. Actions requiring external consultancy work will be part of a tender process to ensure suitable appointment and cost (estimated cost £0.055m), but overall will not exceed the £0.125m funding allocation. Any underspends will be allocated to other actions within the AQAP which were not previously identified as high priority.
- 7.2 Funding for future years is expected from the TfL LIP fund subject to successful submissions. Additional funding may be achieved from the Mayors Air Quality Fund (MAQF), Mayors Air Quality Business Fund (MAQBF), Defra Air Quality Grant and other funds that become available. Havering will take the opportunity to bid for additional funding as and when it becomes available. Section 106 agreements attached to planning permissions will also be considered.
- 7.3 If the Council does not receive adequate funding to deliver the AQAP, there may be financial impacts for continuing to breach the national Air Quality Standards. As a result of Client Earth's historical and current legal action against the UK, a fine of up to £1m could be disseminated from Central Government to each Local Authority found to be breaching the Air Quality Standards.



## **8. Legal implications and risks**

- 8.1 The air quality strategy for England, Scotland, Wales and Northern Ireland sets out the way forward for work and planning on air quality issues such as setting the standards and objectives to be achieved. Under Part IV of the Environment Act 1995 (the Act) local authorities are required to review and assess current and likely future air quality in their areas and where the required standards and objectives are not being met, or are not likely to be met within a relevant period under section 83 of the Act they must declare that area an Air Quality Management Area (AQMA) which will cover the area where problem is arising or expected. Local authorities must take action with other organisations and agencies to work towards meeting the air quality objectives in the AQMA.
- 8.2 Section 84 of the Act places a legal duty on local authorities to undertake periodic assessments and reviews of current and future air quality in their borough and to produce an Air Quality Action Plan once an Air Quality Management Area has been declared within a Local Authority's boundaries.
- 8.3 Under the London Local Air Quality Management Framework boroughs are required to; manage and improve air quality at a local level, annually review and assess air quality in their area, declare air quality management locations where air quality objectives will not be met and produce action plans setting out how they will work towards meeting air quality objectives in those declared areas and consult the Mayor of London on air quality issues. The Mayor of London is legally required to review all air quality reports produced by London Boroughs. The Mayor considers the quality of the report and has powers of direction to boroughs when work or reports are not completed satisfactorily. The plan must include relevant points from the Mayor's Air Quality Strategy for London within their action plans. The revised LLAQM Guidance requires Local Authorities to produce and adopt an AQAP within 12 months of establishing an AQMA after which it must be either updated or replaced every 5 years as a minimum. The Mayor of London also has broad powers of intervention under section 85 of The Act.
- 8.4 A public consultation has been undertaken in respect of the plan in accordance with the requirements of the Act and where appropriate responses have been incorporated into the AQAP.
- 8.5 Approval and adoption of the finalised Air Quality Action Plan will fulfil the Council's legal duties under the above legislation.

## **9. Human Resources implications and risks**

- 9.1 There are no HR implications arising from this report. Teams have been consulted prior to the AQAP being published and have signed up to help support or lead on the actions within. A dedicated full time officer will be

funded through the LIP 2018/19 to work solely on managing the AQAP and its projects.

**10. Equalities implications and risks**

- 10.1 Any projects delivered as a result of this decision are expected to have beneficial impacts on protected equality groups within Havering. Young and old residents are disproportionately impacted by poor air quality, as are certain disabilities groups and action to improve air quality in the borough will be of particular benefit to these groups
- 10.2 An Equality Impact Assessment (EIA) was undertaken for the pre-consultation AQAP and was approved by the Corporate Policy & Diversity Team. No negative impacts on protected groups were identified. A new EIA for the post-consultation draft AQAP is not considered necessary because there are no new equality implications.

<b>BACKGROUND PAPERS</b>
--------------------------

None