



## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	<b>Application for submission of bid under the Mayor's Air Quality Fund (Project: Non-Road Mobile Machinery Enforcement Scheme).</b>
<b>Cabinet Member:</b>	<b>Councillor Viddy Persaud</b> Cabinet Member for Public Protection and Safety
<b>SLT Lead:</b>	<b>Caroline Bruce</b> Director of Neighbourhoods
<b>Report Author and contact details:</b>	<b>Christina Zervou</b> Senior Public Protection Officer (Environmental Protection) Tel. 01708 432 775 Email: christina.zervou@havering.gov.uk
<b>Policy context:</b>	The proposed project is included in the Council's Air Quality Action Plan 2018-2023, aiming to improve air quality in Havering.
<b>Financial summary:</b>	This is a pan London project including all London Boroughs. The total bid is £0.500m.  There is a requirement for a £4k match funding per year. This will be covered by Tf's Local Implementation Plan (LIP) funding for air quality projects.
<b>Relevant OSC:</b>	<b>Environment OSC</b>
<b>Is this decision exempt from being called-in?</b>	<b>No</b>

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

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input checked="" type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The Mayors Air Quality Fund (MAQF) is designed to assist the boroughs with the delivery of evidence-based effective local measures to cut pollution and exposure to pollution. The MAQF Round Three was launched in October 2018 and will provide circa £6 million over three years (April 2019-2022) to London boroughs to improve air quality.

The Non-Road Mobile Machinery (NRMM) Enforcement Scheme is an ongoing scheme which looks to inspect construction sites in order to ensure that they are only using approved and lower-pollution machinery. The scheme was initially taken forward by five South London boroughs (led by London Borough of Merton) and 14 boroughs have signed up to this scheme so far. As part of the MAQF Round Three the Greater London Authority (GLA) have invited an application for a pan-London project scheme, coordinated by Merton. LB Merton will provide the service on behalf of the other London Boroughs in liaison with local officers responsible for this function.

In line with the Council's Air Quality Action Plan (AQAP) 2018-2023, it is proposed to participate in the joint funding application for the NRMM enforcement scheme.

It is recommended that the proposed application for submission of bid under the MAQF be approved.

### AUTHORITY UNDER WHICH DECISION IS MADE

Part 3, Section 3.3 (Powers of Members of the Senior Leadership Team):

*Members of the Senior Leadership Team (SLT) have delegated authority to act as follows within the assigned service service/portfolio of responsibilities, subject to the general provisions and limitations set out in section 3.1 above.*

*Financial responsibilities*

*(c) In consultation with the relevant Cabinet Member to apply for, accept and manage external funding up to a limit of £500,000 per grant in support of any function within their Directorate provided that any financial contributions by the Council are made from within existing budgets.*

### STATEMENT OF THE REASONS FOR THE DECISION

#### 1. Introduction and background

- 1.1 Pollutant emissions from combustion engines installed in NRMM significantly contribute to air pollution by emitting nitrogen oxides (NO<sub>x</sub>), particulate matter (PM<sub>10</sub>). The London Atmospheric Emissions Inventory (LAEI) estimates that in

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2010 the NRMM used on construction sites was responsible for 12% of NOx emissions and 15% of PM10 emissions in Greater London.

- 1.2 To address this significant contribution of NRMM to poor air quality, the GLA have established emissions standards for construction sites in London. From September 2015 NRMM of net power between 37kW and 560kW used on the site of any major development within Greater London is required to meet specific emission standards set out in the NRMM (Emission of Gaseous and Particulate Pollutants) Regulations 1999, as amended. These standards will tighten from September 2020. Local authorities are required to implement this policy through planning conditions attached to planning permissions or section 106 agreements. Enforcement actions include checking whether the construction sites have signed up to the GLA's NRMM register as well as carrying out site inspections to check whether the NRMM on site is compliant and that the relevant emissions information matches up with site records.
- 1.3 Havering currently implements the above policy through an appropriate planning condition attached to the planning permissions for all major developments; however, it does not carry out site inspections to check compliance of the NRMM used on site. As part of the Council's AQAP 2018-2023, actions aiming to reduce emissions from new developments will be taken over the next five years. Monitoring and implementation of the NRMM scheme has been included in the AQAP as an ongoing action.
- 1.4 The NRMM enforcement scheme was launched in 2016 funded by the MAQF Round Two and initially taken forward by five south London Boroughs (led by London Borough of Merton). Since then 14 London Boroughs have signed up to this scheme. As part of the MAQF Round Three the GLA have invited an application for a pan-London project scheme, coordinated by Merton where boroughs can join and provide active participation in the NRMM scheme. The MAQF Bidding Guidance also states that "*Active participation in the NRMM project will be a requirement for obtaining Cleaner Air Borough status*".

## **2. Description of the proposed project**

- 2.1 The NRMM enforcement scheme process can be divided into the following stages:
  - i. Request for details of major planning applications from the Planning Service. (A major development site is defined as a residential development of 10 dwellings or more or where the number is not given, 0.5 ha or more; or for all other uses, a floor space 1000 square feet or a site area 1 ha or more.)
  - ii. Comparison of details received from Planning and those drawn from the listings on the NRMM register, in order to check whether the major sites are signed up to the register, as required by the relevant planning condition.
  - iii. Identify the active sites (i.e. those where construction works have started) and contact site managers / sustainability managers, etc. to request audit and to explain the rationale behind this.
  - iv. Undertake site visit and carry out audit.
  - v. Follow up correspondence detailing any issues raised during visit sent to site contact,

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vi. Undertake a second site visit (if necessary) until compliance is achieved.

2.2 Based on email correspondence exchanged with London Borough of Merton, Havering will only be required to provide Merton with a list of major developments in the borough (stage i. listed above). If there is capacity, participation in the following stages ii. to vi. is welcome, however this is not a requirement. Merton will regularly report on progress and engage with local officers regarding any actions required.

### **3. Reasons for the decision**

3.1 To implement action 3.8, in relation to the NRMM scheme, set out in the Council's AQAP 2018-2023.

3.2 To reduce emissions of nitrogen oxides and particulate matter during the construction phase of major developments.

3.3 To comply with the GLA policy on NRMM.

3.4 To be able to obtain a Cleaner Air Borough status.

## **OTHER OPTIONS CONSIDERED AND REJECTED**

Option 1: Do Nothing: This option has been considered and rejected, as the MAQF is an important source of funding and an opportunity for Havering to financially support actions towards improving air quality in the borough.

Option 2: Submit funding applications for other projects: The MAQF bidding guidance sets out specific focus areas / categories for applications under which projects will be considered. These categories are as follows:

- 2.1 Idling: This project is considered in a separate Executive Decision.
- 2.2 Low Emission Neighbourhoods: A LEN is an area based scheme that includes a wide range of measures focused on reducing emissions. These measures involve traffic management changes, changes to highways infrastructure etc. and some of the changes can be difficult for communities to adopt. Furthermore, there is a requirement for at least equal match funding to be provided, which is a significant amount (up to £500k) and unlikely to be covered by the Council's existing budget, given the current economic conditions. It has therefore been decided to reject this option at this point in time.
- 2.3 Supporting the uptake of Ultra Low Emission Vehicles (ULEVs) and supporting businesses to reduce emissions: As part of the Council's AQAP, a feasibility study on Electric Vehicle charging infrastructure will be undertaken. Until this study has been completed, it has been decided to not progress projects in relation to ULEVs. Furthermore, the scope of a partnership with the London Riverside BID, in relation to micro-consolidation services, has been examined and it has been concluded that in order to proceed with such project a feasibility study should be undertaken. Therefore, this option has been rejected at this point in time.

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- 2.4 Exceptional projects: The option to commission the use and installation of a "SmogStop Barrier" which has been shown to reduce NOx using Photocatalytic Oxidization was examined, however the GLA's feedback was negative, and therefore this option was rejected.
- 2.5 Pedestrianisation, road closures and car free days: A 'School Streets' project which falls under this category is considered in a separate Executive Decision.

In accordance with paragraph 2.8 of the said guidance, LB Havering will participate in a maximum of two other joint applications that is the NRRM scheme and the joint idling scheme.

### **PRE-DECISION CONSULTATION**

As part of the adoption of the Council's AQAP 2018-2023, a consultation process was undertaken for 10 weeks between the 3<sup>rd</sup> January and 15<sup>th</sup> March 2018. Actions to reduce emissions from developments, including the NRMM scheme, were well received by the public.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Christina Zervou

Designation: Senior Public Protection Officer (Environmental Protection)

Signature:



Date: 21/12/2018

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

In June 2018 the Council adopted its AQAP 2018-2023 to comply with its statutory duties under Part IV of the Environment Act 1995 and the London Local Air Quality Management (LLAQM) framework. As part of the Council's AQAP, actions aiming to reduce emissions from new developments will be taken over the next five years. Monitoring and implementation of the NRMM scheme has been included in the AQAP as an ongoing action (action 3.8).

As part of the MAQF Round Three the GLA have invited an application for a pan-London project scheme, coordinated by Merton and are expecting all boroughs to join and provide active participation in the NRMM scheme. The MAQF Bidding Guidance states that "*Active participation in the NRMM project will be a requirement for obtaining Cleaner Air Borough status*".

Approval of the proposed application for submission of bid will allow the Council to implement action 3.8 of its AQAP, comply with the GLA policy on NRMM and apply for obtaining a Cleaner Air Borough status. A copy of the application should be obtained for all Boroughs to comment prior to formal submission to the GLA.

Cleared by: Mandeep Mehat, Principal Lawyer, on 20/12/2018

### FINANCIAL IMPLICATIONS AND RISKS

According to the MAQF bidding guidance and email correspondence exchanged with the GLA and London Borough of Merton, the GLA will ring-fence £500,000 for a London-wide (33 boroughs) NRMM enforcement scheme. The bidding guidance also states that '*Active participation in the NRMM project will be a requirement for obtaining Cleaner Air Borough status*'. Based on this evidence, the likelihood and therefore the risk of not obtaining the grant are very low.

LB of Merton will submit the bid as well as receive and manage the funding on behalf of all the participating boroughs including LB of Havering.

Match funding of £4,000 per year (from 2019 to 2022) is required from each partner borough in advance, to allow Merton to recruit staff within the grant timeframe. Havering will use funding from the TfL's Local Implementation Plan (LIP) for air quality projects.

The funding and budget have been determined upon the existing South London Project and there will be very little risk of underspend. Quarterly progress reports will be drafted by Merton to identify any issues. Any underspend will be handed back to the GLA and underspent match funding apportioned to each partner borough.

Apart from the match funding requirement, we are not aware of any other requirements / targets Havering will need to meet. As Merton will be leading the scheme, including scheduling site inspections carried out by contractors, there may be

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targets for them to meet (e.g. number of inspections etc.). There are also requirements for annual and quarterly progress reports, as well as responding to ad hoc requests for specific information from the GLA and TfL. According to the bidding guidance, failure to submit the annual progress report may result in funding for the following year being withheld.

There are no expectations of self funding this project after the grant has finished. The GLA / central government may consider imposing responsibilities on individual boroughs for the continuation of the scheme, however this is not part of the grant T&Cs.

Cleared by: Rita Bachetta – Finance - Strategic Business Partner, on 30/11/2018

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

There are no HR implications arising from this scheme. The requirement for Havering is to provide a list of planning permissions granted to major developments. The estimated time for this work is a few hours twice or quarterly a year, which will be covered by existing staff.

Cleared by: Geraldine Minchin, Strategic HR Business Partner, on 28/11/2018

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The NRMM enforcement scheme will promote and help achieve compliance of the NRMM used at construction sites and will therefore reduce emissions of nitrogen oxides and particulate matter during construction and demolition works.

Havering, like all London Boroughs, is experiencing significant development pressures and there is a need to increase the supply of housing to meet the demands of the growing population. From 2016 to 2026, the Council has identified capacity to deliver at least 11,917 new homes. A significant amount of growth is expected in Rainham, Beam Park and Romford and the local population tend to be at greater risk of the impact of air pollution in these areas due to their proximity to pre-existing road



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networks. The NRMM enforcement scheme is expected to mitigate the air quality impacts of this level of growth and will have a positive impact on the health of people who live in the vicinity of construction sites and those who work at construction sites. Children and elderly people who are particularly sensitive to the health impacts of air pollution will be positively affected by the proposed scheme.

An Equality and Health Impact Assessment has been attached to this Executive Decision.

Cleared by: Vernal Scott, Corporate Diversity Advisor, on 26/11/2018  
Dr. Louise Dibsdall, Senior Public Health Specialist, on 26/11/2018

**BACKGROUND PAPERS**

London Borough of Havering Air Quality Action Plan 2018-2023

Mayor's Air Quality Fund Round Three 2019/20 – 2021/22 Bidding Guidance

Equality and Health Impact Assessment

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**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed 

Name: Caroline Bruce

Cabinet Portfolio held:

CMT Member title: Director of Neighbourhoods

Head of Service title

Other manager title:

Date: 14/01/19

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 14/1/19

Signed A-H. Cunn