



CABINET

13th December 2017

Subject Heading:

Draft Air Quality Action Plan

Cabinet Member:

Councillor Osman Dervish
(Cabinet Member for the Environment)

SLT Lead:

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Policy context:

To improve Havering's Air Quality in order to protect the health & wellbeing of residents, commuters and workers within the Borough. To reduce the burden on the NHS by reducing air quality attributed illness and deaths. To meet the statutory requirements set out within Part IV of the Environment Act 1995.

Financial summary:

There are financial implications and risks associated with consulting on the draft AQAP. However the financial impacts that Havering may receive for continuing to breach Air Quality limits as a result of not adopting an AQAP is currently unknown.

Is this a Key Decision?

(a) Significant effect on two or more wards.

When should this matter be reviewed?

2018 following statutory consultation to finalise AQAP

Reviewing OSC:

Environment Overview & Scrutiny

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

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

The Air Quality Action Plan (AQAP) for Havering (2018 – 2023) outlines the actions Havering Council will take to improve local air quality. Our priority is to reduce concentrations of the key pollutants, Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}). In Havering these pollutants are primarily produced by road traffic but there are other contributors such as construction, domestic gas use and industry.

The purpose of this report is to enable members to make the decision to issue the AQAP for formal consultation.

In September 2006 the entire Borough was designated as an Air Quality Management Area (AQMA) for NO₂ and PM₁₀. Whilst we are meeting long and short term objectives for PM₁₀ and PM_{2.5}, there is still work to be undertaken to meet the national long term objective for NO₂.

The AQAP will be subject to a review and appraisal of progress and reporting to the Greater London Authority (GLA) and the Department of Environment, Food and Rural Affairs (DEFRA). Progress each year will be reported in Annual Status Reports produced by Havering Council, as part of our statutory London Local Air Quality Management (LLAQM) duties.

The AQAP has been produced to comply with Part IV of the Environment Act 1995. The Plan has regard to the London Local Air Quality Management Policy Guidance (LLAQM) 2016 on air quality issued by the Greater London Authority (GLA). It also outlines the action we will take to improve air quality in Havering between 2018 and 2023.

The AQAP consists of a variety of information explaining air pollution, its effects on human health, and the current status of air quality in Havering. Further it includes sources of pollution in Havering and current Council practices, policies, vision and priorities with regards to improving air quality across the entire Borough.

Funding: As part of the 2018/19 indicative LiP allocation (£2.247m) it has been proposed that £0.125m be allocated to the delivery of the Air Quality Action Plan. Funding for future years is anticipated 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) and Defra's Air Quality Grant. Havering will take the opportunity to bid for additional funding as and when it becomes available.

Should the Member decision be to go ahead with the formal consultation it is intended to being for a period of 10 weeks commencing in December 2017. Consultees will include the public i.e. local residents and key stakeholders such as the Mayor of London, DEFRA and the Secretary of State who will each, in turn, provide a response. This response must be carefully considered together with the full feedback from the consultation. Following this, Members can then consider the decision to officially adopt the AQAP.

RECOMMENDATIONS

- 1.1 Members agree and approve the draft Air Quality Action Plan appended as appendix 1, which is to be published for the purposes of public consultation as set out in section 10.4 of this report.**

REPORT DETAIL

2. Background

- 2.1 The Environment Act 1995 requires the UK Government to produce a National Air Quality Strategy setting out specific objectives for improving air quality. The first strategy was implemented in 1997.
- 2.2 The government is obliged to achieve the requirements of European Air Quality directives and the Government's 2010 strategy which is being revised again. However the strategy sets out health based long, medium and long term objectives and UK national strategies have identified actions at a local, national and international level to improve air quality.
- 2.3 Part IV of the Environment Act 1995 created the Local Air Quality Management (LAQM) framework which gave local authorities in England LAQM duties to improve on the service they already provided in tackling poor air quality.
- 2.4 Areas within Greater London are currently failing to meet relevant standards for Nitrogen Dioxide (NO₂), largely due to pollution from road traffic. Defra predicts that those standards will not be met until 2025 in Greater London. In May 2016 DEFRA agreed that London Boroughs should refer to the Greater London Authority air quality management policy and technical guidance, the London Air Quality and Management Framework (LLAQMF) which is designed to tackle serious public health problems caused by poor air quality in London and to change the emphasis from monitoring to effective action to reduce pollutant levels.
- 2.5 Under the London Local Air Quality Management (LLAQM) introduced in 2016, every local authority that has an active AQMA are required under Part IV of the Environment Act 1995 to produce, publish and adopt an Air Quality Action Plan to address the areas of poor air quality that have been identified and to comply with their duties under UK Air Quality Law and Legislation. The emphasis within AQAP's are two-fold; to develop measures that will provide the necessary emissions reductions to achieve the air quality objectives within specified timescales; and act as a live document which is continually reviewed and developed, to ensure current measures are progressing and new measures are brought forward.

- 2.6 On 11th September 2006, under the LAQM the entire Borough was declared an Air Quality Management Area (AQMA) for both Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀).
- 2.7 In April 2013 Cabinet approved Havering signing up to become a “Cleaner Air Borough”. To continue its status as a “Cleaner Air Borough” the Council must submit an AQAP alongside annual reporting to the GLA.
- 2.8 The Action Plan sets out the projects, policies and initiatives Havering Council and its partners propose to take over the next 5 years in order to improve local air quality. This will reduce Nitrogen Dioxide and Particulate Matter concentrations from the key emission sources i.e. road transport, new development and gas boilers. Likewise, the plan 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. Poor air quality has a direct impact on the health and wellbeing of our residents, workers, commuters and visitors, therefore improving Havering’s air quality is a high priority. Poor air quality is not just an issue in Havering, but London wide.
- 2.9 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 of years a lump sum fine, penalty payment, daily five-figure fines or a combination of these will be issued to the UK.

3. The overarching aims of the Plan are to;

- 3.1 Continue to meet EU Objectives for 1, 3-Butadiene, Benzene, Carbon Monoxide, Lead, PM10 and short term NO₂.
- 3.2 Continue to reduce concentrations of PM₁₀ and PM_{2.5} with prioritisation on Air Quality Focus Areas.
- 3.3 Continue to reduce concentrations of NO₂ to meet the long term EU Objective for NO₂ with prioritisation on Air Quality Focus Areas.
- 3.4 To comply with the legislation, GLA’s London Local Air Quality Management Framework supporting their and Public Health’s air quality objectives.

4. The actions have been grouped into the following four action policies;

Action Policy 1: Air Quality Monitoring and Modelling and management of air quality

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 Council must demonstrate what action will be taken to tackle air pollution and provide detailed timescales for action including quantifying the impact of each action. Each Section has a number of aims, objectives, actions and targets that will work towards improving air quality. The AQAP is set out in Appendix 1 of this report.

5. The Action Policies aim to;

- 5.1 Communicate the issue of poor air quality, improve local knowledge and understanding of what poor air quality, pollution and its effects are and facilitate the engagement of Havering's population with measures to improve air quality.
- 5.2 Maximise investment by complementing and enhancing existing air quality programmes.
- 5.3 Provide a clear understanding of the impact of different measures through robust monitoring and modelling.
- 5.4 Evaluate innovative measures through trials and investigations, share lessons learnt amongst other boroughs and more widely at a regional and national level.
- 5.5 Help adhere to Havering's aspirations of being a more environmentally friendly Borough for its population to live, reside and work in.

6. Why this is important to Havering;

- 6.1 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.
- 6.2 The effects range from cardiovascular disease and asthma, respiratory disorders and over a prolonged period have been linked to some cancers.
- 6.3 In 2012 the World Health Organisation (WHO) classified diesel as being carcinogenic to humans⁶. Additionally, air pollution particularly affects the most vulnerable in society: children (including unborn) and older people, and those with existing heart and lung conditions. There is often a strong correlation with areas of deprivation having the poorest air quality.
- 6.4 Research has shown that those living in more deprived areas are exposed to higher concentrations of air pollution, often because homes and residences of these groups are situated next to roads with higher concentrations of emissions. Deprived communities also generally suffer greater burdens from air-pollution-related death and sickness. In 2008 there were 11 deaths attributable to exposure to PM_{2.5} in Gooshays Ward, 9 in Heaton and 10 in South Hornchurch.
- 6.5 The health impacts of air pollution should not be underestimated. More people in London are harmed by air pollution attributed to road transport than by road collisions and incidents. In London in 2010, 4,267 deaths per annum were shown to be directly attributable to the effects of air pollution; outer London boroughs accounted for 6.3% of all deaths.

- 6.6 Since September 2006 the entire London Borough of Havering has been designated an Air Quality Management Area (AQMA) for NO₂ and PM₁₀ though the Plan has an action to reduce this to key “hot spots” in the borough. Whilst we are meeting the short term objectives for PM₁₀ and PM_{2.5}, research has shown that this pollutant is damaging to health at any level and as such remains a pollutant of concern.
- 6.7 Havering still needs to meet the national long term objective for NO₂. The priority is to reduce these key pollutants

7. Consultation Process

- 7.1 The draft AQAP must be subject to a public and internal consultation which will commence from mid December 2017 for a period of 10 weeks.
- 7.2 The authority will consult: internal services of the Authority who will deliver the actions which are the following teams: Transport Planning, Planning, Housing and Regeneration, Director of Public Health, Economic Development, Energy Strategy Parking and Parks and Public Realm.
- 7.3 Statutory consultees who the Authority has a legal duty to consult under The Environment Act 1995 and LLAQMF which include; The Secretary of State/DEFRA to ensure the council’s air quality strategy is compliant with the national air quality strategy, The Environment Agency as they are involved in emissions control, The Mayor of London who must approve the London Local Authorities Air Quality Action Plans prior to publication , Transport for London who provide a joint response with Mayor of London, Neighbouring boroughs to ensure any actions proposed by one authority complement each other, and other public authorities as considered appropriate, and in addition Friends of the Earth, , District and County Councils and any bodies representing local business interests and other individuals / organisations as appropriate.3) The public – due to their significant public interest in local air quality this will be local residents and the wider public where advertising will be on social media such as Facebook posts / twitter posts.
- 7.4 The Authority will advertise the consultation through local and internal publications including publicised sessions in the borough’s libraries and will also hold meetings with key stakeholders.
- 7.5 All feedback and responses received from the consultation will be carefully considered and used to finalise the final action plan. It is proposed the AQAP will be launched in April 2018.

REASONS AND OPTIONS

8. Reasons for the decision:

- 8.1 The draft AQAP has been produced to comply with statutory duty under Part IV of the Environment Act 1995. The Plan has had regard to guidance on air quality issued by the Greater London Authority (GLA). Therefore the authority has a legal requirement to work towards achieving the air quality objectives as set out in the action plan attached as appendix 1.

IMPLICATIONS AND RISKS

9. Financial implications and risks:

- 9.1 Funding: As part of the 2018/19 indicative LiP allocation (£2.247m) it has been proposed that £0.125m be allocated to a number of prioritised actions (and possible officer post) from the Air Quality Action Plan for the 2018-2019 period.
- 9.2 Actions will be prioritised to align with the GLA and Councils aims for the 18/19 period. The AQAP will be updated and prioritised actions will be allocated a funding budget. Actions requiring external consultancy work will be part of a tender process to ensure suitable appointment and cost, but overall will not exceed the £0.125m funding allocation. Any underspends will be allocated to other actions within the AQAP which weren't priority.
- 9.3 Mitigation: If the LiP funding allocation is unsuccessful other options will be considered to fund all or part of the project as follows;
- Defra Air Quality Fund by submitting an appropriate bid;
 - Mayor's Air Quality Fund Round III (MAQF III) by submitting an appropriate bid; and
 - Within the directorate where possible.
 - It is possible to submit bids for the above funding even if 2018/19 LiP funding is obtained.
- 9.4 Funding for future years anticipated from the TfL LiP fund subject to successful submissions.
- 9.5 The implication of not receiving adequate funding to deliver the programme are the works would not be carried out and would leave the Central Government at risk of legal action from Client Earth. 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.

10. Legal implications and risks:

- 10.1 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 Environmental 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 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.
- 10.2 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.
- 10.3 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.
- 10.4 A public consultation must be undertaken in respect of the plan in accordance with the requirements of the Environmental Act 1995.

11. Human Resources implications and risks:

- 11.1 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 3-day a week Environmental Protection Officer will be funded through the LiP to work solely on managing the AQAP and its projects.

12. Equalities implications and risks:

- 12.1 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.

- 12.2 Any project awarded funding in Havering will be subject to separate equalities analysis prior to implementation where appropriate, to ensure compliance with the Public Sector Equality Duty.
- 12.3 An Equality Impact Assessment has been produced. A positive impact has been identified on the grounds of this protected characteristic. The Air Quality Action Plan applies equally to all residents of Havering irrespective of ethnicity / race.

BACKGROUND PAPERS

None.