

Notice of Non-key Executive Decision

Subject Heading:	Authority to begin Public Consultation for the London Borough of Havering Draft Air Quality Action Plan 2025 - 2030
Decision Maker:	Helen Oakerbee Director of Planning and Public Protection
Cabinet Member:	Councillor Barry Mugglestone Cabinet Member for Environment
SLT Lead:	Helen Oakerbee Director of Planning and Public Protection
Report Authors and contact details:	Mike Richardson Team Leader, Environmental Health (Environmental Protection) Tel: 01708 4433968 Email: mike.richardson@havering.gov.uk
Policy context:	<ul style="list-style-type: none"> To improve air quality in the Borough to protect the health of its residents and people who work in the Borough. To reduce the burden of the NHS by reducing air quality related illness and deaths.

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Financial summary:	<p>There are no direct financial implications and risks associated with consulting on the draft Air Quality Action Plan, save the minimal value (under 5K) for publicity, which is charged internally and be covered within the current Environmental Health budget.</p> <p>However the financial implications to Havering arising for not adopting the AQAP are not currently known.</p>
Relevant Overview & Scrutiny Sub Committee:	Places Overview & Scrutiny
Is this decision exempt from being called-in?	No

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

People - Things that matter for residents	x
Place - A great place to live, work and enjoy	x
Resources - A well run Council that delivers for People and Place.	

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To approve the public consultation on the Council's Draft Air Quality Action Plan 2026 – 2031

AUTHORITY UNDER WHICH DECISION IS MADE

Part 3.3.3 of the Council's Constitution states:

6.2 To launch / commission any consultation (statutory or otherwise) in relation to any matter affecting their directorate.

BUT PROVIDED that all consultation (response, initiation, launch, etc) shall be discussed with the relevant Cabinet Member.

STATEMENT OF THE REASONS FOR THE DECISION

1.0 Legal Background

1. The Clean Air Act, originally passed in 1956, was produced in response to London's Great Smog of 1952 and updated in 1993. The purpose of the Clean Air Act was to build on earlier efforts to regulate pollutants, particularly in London, where air quality had long been poor.
2. 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.
3. 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).
4. Every local authority that has an active AQMA is required under Part IV of the Environment Act 1995 to provide an AQAP as a means to address the areas of poor air quality that have been identified within the AQMA. The emphasis within AQAP's should be 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.

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5. The Air Quality Standards Regulations 2010 seek to control human exposure to pollutants in outdoor air to protect human health and the environment by requiring concentrations to be within specified limit values. The Environmental Targets (fine particulate matter) (England) Regulations 2023 set additional targets for fine particulate matter (PM_{2.5}) to be met by 2040.
6. Some areas within Greater London are currently failing to meet relevant standards for Nitrogen Dioxide (NO₂) and PM₁₀, largely due to pollution from road traffic, however there has been significant improvement over the last few years, particularly as a response to the extension of the ultra-low emission zone in 2023.
7. Havering has met the PM₁₀ air quality limit value since 2018 and in 2024 NO₂ only exceeds the limit value in Romford town centre.
8. In April 2013 Cabinet approved Havering signing up to become a “Cleaner Air Borough”. Whilst this programme was suspended during the Covid19 Pandemic, and has yet to be restarted, the Council will continue to submit its Air Quality Action Plan alongside annual reporting to the GLA.
9. Under the London Local Air Quality Management (LLAQM) introduced in 2016, London Boroughs are required to produce, publish and adopt an Air Quality Action Plan, as part of their duties under UK Air Quality Law and Legislation.

2.0 Plan Process

The AQAP has been produced by the Public Protection team in partnership with a number of key teams within Havering Council under the requirement of the LLAQM. The overall aim of the plan is to improve air quality in Havering and provide the public with a clear understanding of the issue.

To date the AQAP has been reviewed by Directors and other senior members of staff. The AQAP will now be subject to a full six week formal consultation and will be provided to the following stakeholders for comment;

External

- Secretary of State
- Environment Agency
- Transport for London and the Mayor of London
- Neighbouring Local Authorities
- UK Health Security Agency
- Business Network
- Residents
- Schools
- NHS/GP Surgeries

Internal

- All Council Staff

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The AQAP will be made available on the Havering Council website and the consultation will be announced via the Air Quality webpage, the Big News email alert, relevant Council newsletters, local press and social media channels. Responses and comments will be collected and collated and used to improve the AQAP. Any changes made will be reviewed before the plan is officially adopted by the Council. All information/comments received from the consultation will be made available in Appendix A of the AQAP.

3.0 Air Quality Action Plan Aims and Objectives

The objectives of the Air Quality Action Plan include;

- To reduce air pollutant concentrations across Havering, particularly Particulate Matter (PM) and Nitrogen Dioxide (NO₂), with prioritisation of Romford town centre.
- To 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.
- To maximise investment by complementing and enhancing existing air quality programmes.
- To provide a clear understanding of the impact of different measures through robust monitoring.
- To evaluate innovative measures through trials and investigations, share lessons learnt amongst other boroughs and more widely at a regional and national level.
- Help adhere to Havering's aspirations of being a Clean, Safe and Proud Borough for its population to live, reside and work in.

4.0 Funding

Most actions within the AQAP are projects being undertaken by Havering departments, the majority are within the Transportation team.

Havering has a statutory duty to monitor air quality in the borough each year and funds one automatic monitoring station, a diffusion tube network and air quality sensors around Rainham, the latter in connection with the Launders Lane site. Funding is provided from Corey Waste Management for the automatic air quality monitoring station in Rainham.

Currently, DEFRA is legally responsible for reducing PM_{2.5} concentrations. In 2023 the Air Quality Strategy for England was published and DEFRA stated that there was an expectation for local authorities to use their powers to reduce PM_{2.5}. In light of the new targets set within the strategy, the government indicated that they would consider if there was not sufficient progress in meeting these targets, a standalone legal duty on local authorities to take action to reduce PM_{2.5} emissions would be considered.

The factors affecting such a decision are complex, and any possible financial burden is not clear to the authority. The 2023 Air Quality Strategy was issued under the previous government, and it is currently unclear on the current government's position regarding this. Any financial burden is an unknown, as we do not know what any

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requirements for the Borough, and indeed the GLA will be. This could range between absorbing the costs within our current duties, or significant resource request will be required which may/may not be covered by any grants or other funding by DEFRA and or the GLA.

5.0 Air Quality Action Plan Projects/Actions

In addition to tackling air quality, projects implemented under the Air Quality Action Plan have the potential to deliver benefits across a broad range of policy areas, such as reducing congestion, delivering environmental improvements (immediate infrastructure delivery and longer term outcomes), helping local businesses to reduce their operating costs and improving health outcomes for the local population.

Actions/Projects under the AQAP have been developed that can be considered under six broad topics;

- Emissions from Developments and Buildings;
- Public Health and Awareness Raising;
- Delivery Servicing and Freight;
- Borough Fleet Actions;
- Localised Solutions; and
- Cleaner Transport.

6.0 Air Quality Action Plan Content

Havering's Draft Air Quality Action Plan is set out in Appendix 1. Its structure and content follows the template produced by the Greater London Authority (GLA) under the London Local Air Quality Management (LLAQM).

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

Air Quality maps of the Borough included in the AQAP have been produced using the London Atmospheric Emissions Inventory Data from 2019 by the GLA.

7.0 Reasons for the Decision

Under section 84 (2) of the 1995 Act requires a written action plan for the exercise of any Boroughs relevant potential powers to achieve air quality standards and objectives to be prepared.

When carrying out their Part IV functions Schedule 11 of the 1995 Act requires consultation with a wide range of persons and organisations.

It was also deemed important for a consultation to be undertaken so valuable feedback from relevant internal sections of the Council, as well as residents, local interest groups, external regulators, other bodies and organisations with expertise or an interest in air quality and in the implementation of the plan, can be gathered.

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As part of the Councils proposals to become more 'transparent' to the public it is deemed necessary to make the public aware of air quality issues within the Borough and of the Councils approach to dealing with this. It is important that their comments and views are taken into consideration.

Next Steps

Subject to approval of the recommended submission content, a full consultation will be undertaken.

Following consultation, the feedback, responses etc. will be presented within a separate Cabinet report as a key decision. The final plan will be approved by Cabinet.

Recommendation:

It is recommended that the strategy consultation be approved.

OTHER OPTIONS CONSIDERED AND REJECTED

Do not consult – rejected as not in accordance with Council policy.

In addition, when carrying out their Part IV functions, Schedule 11 of the 1995 Act requires consultation with a wide range of persons and organisations. The Mayor is the key statutory consultee, and will need to approve final AQAPs prior to publication. In addition, Schedule 11 requires Boroughs to consult the following:

- Secretary of State;
- Environment Agency;
- Transport for London (who will provide a joint response with the Mayor);
- All neighbouring Boroughs;
- Other public authorities as the Borough considers appropriate;
- Bodies representing local business interests and other persons/organisations as considered appropriate.

A smaller scale consultation – rejected as the breadth of consultees is set within legislation.

Havering Council does not adopt an updated Air Quality Action Plan

The option of not updating the AQAP was rejected on the following basis;

- It is a legal requirement to under Part IV Environmental Protection Act 1995 to produce an Air Quality Action Plan when a Local Authority has declared an AQMA.
- The revised LLAQM Guidance requires Local Authorities to produce and adopt an AQAP within 12 months of establishing an AQMA. After this it is a requirement

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to periodically review the AQAP and update/replace the report every 5 years as a minimum.

- Increasing the level of knowledge and initiatives to tackle areas of poor air quality in Havering will help the Council to both meet the statutory targets for air quality in the hotspot areas and to improve the public health of Havering's community.

PRE-DECISION CONSULTATION

Internal partners within the Council, who were involved in drafting the report and agreeing the actions within the AQAP

The Lead Member for Environment, Councillor Barry Mugglestone was briefed on the consultation on 24 September 2025, along with Councillor Natasha Summers as the Lead Member for Climate Change.

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

Name: Michael Richardson

Designation: Team Leader, Environmental Health, Environmental Protection

Signature:



Date: 1 August 2025

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Part IV of the Environmental Act 1995 places a legal duty on local authorities to produce an Air Quality Action Plan once an Air Quality Management Area has been declared within a LA's boundaries. 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.

Approval and adoption of the Air Quality Action Plan will fulfil the Council's legal duties under the above legislation.

At this stage there are no legal implications and risks of approving the draft Air Quality Action Plan for a six week consultation. This will be reassessed following the consultation feedback which will be incorporated into the Full Council report.

FINANCIAL IMPLICATIONS AND RISKS

There are no material financial implications and risks associated with the consulting on the Draft Air Quality Action Plan.

Financial implications are only possible where there are measures that are required by the AQAP, which are borne by the relevant departments, such as Transportation. Separate decisions are evaluated on a case by case basis.

The UK has consistently failed to meet the legal Air Quality standards and in London levels are now reducing. In 2024 Romford town centre remains the only area in Havering that exceeds UK limit values. Since leaving the EU the UK is no longer subject to EU fines for continued exceedances.

DEFRA has ceased providing competitive air quality grant funding to Local Authorities. Havering no longer has this source of funding available to bid for, however the Mayor of London has offered grant funding in the past, and should they become available, this will be explored where appropriate. There are loan options such as the GLA Green Finance Fund that can be considered but this is not a grant.

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

There are no HR implications arising from this report. The workload associated with delivering the projects will be managed within existing staff resources, with support from short term contracts where necessary and adequately costed.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

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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.

Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

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 Council seeks to ensure equality, inclusion, and dignity for all in all situations.

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.

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.

An Equality Impact Assessment has been produced

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

The AQAP is co-authored by the Director of Public Health, who has had significant input into the plan.

Any projects delivered as a result of this decision are expected to have beneficial impacts on the health of residents within Havering as air quality improves.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

The AQAP has positive improvements on environmental and climate change issues, including promoting the reduction of transport and building emissions.

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Any projects delivered as a result of this decision are expected to have beneficial impacts on the health of residents within Havering as air quality improves.

BACKGROUND PAPERS

Part IV of the Environment Act 1995 [Environment Act 1995](#)

LLAQM Policy Guidance 2016 (LLAQM.PG (16))

[llaqm_policy_guidance_llaqm.pg_16.pdf](#)

LBH Air Quality Action Plan 2018-2023 - [Havering Air Quality Action Plan 2018](#)

APPENDICES

Appendix A Draft AQAP

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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

Details of decision maker

Signed

Name: 

Helen Oakerbee, Director of Planning and Public Protection

Date: 10 October 2025

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____