

Environment & Sustainability Committee



Date of meeting 21st November 2023

Title	<i>Update on the Air Quality Action Plan</i>
Purpose of the report	To note
Report Author	<i>Dr Claire Lucas, Principal Pollution Control Officer, Environmental Health</i>
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	Not applicable
Corporate Priority	Environment
Recommendations	Committee is asked to: 1. Note the advice from Defra regarding updating the Air Quality Action Plan and the Air Quality Management Area. 2. Note the work required to complete the Air Quality Action Plan.
Reason for Recommendation	<i>Local air quality management is a statutory process introduced by the Environment Act 1985 (Part IV), which places a legal duty on all local authorities to regularly review both the current and future air quality within their areas.</i>

1. Summary of the report

- 1.1 This report seeks to inform Members of the instructions to the Council from the Department for Food and Rural Affairs (Defra) to complete updates to the Air Quality Action Plan and to review the coverage of the borough wide Air Quality Management Area.
- 1.2 A procurement exercise will be undertaken to appoint a specialist consultant to undertake the work to update the Air Quality Action Plan alongside the input of Officers and Statutory Consultees including Surrey County Council (SCC), as the Transport Authority and National Highways.

2. Key issues

- 2.1 Spelthorne currently has a borough wide Air Quality Management Area (AQMA), that was declared for nitrogen dioxide. The exceedances of the annual mean National Air Quality Objective for nitrogen dioxide are primarily attributable to pollutant emissions from traffic.
- 2.2 An Air Quality Action Plan (AQAP) provides the mechanism by which local authorities, in collaboration with national agencies and others, will state their

intentions for working towards the air quality objectives through the use of the powers they have available.

- 2.3 Spelthorne Borough Council has not updated the boroughs AQAP or reviewed the coverage of the borough wide AQMA since 2005. The 2005 AQAP is no longer considered to be valid as many of the specified actions have been completed, and there have been improvements to local air quality since the original plan was established.
- 2.4 Defra wrote to the Council on the 31st August 2023 specifying that the Air Quality Action Plan must be updated by May 2024, or the Council will receive a Ministerial Letter. Defra have written to Councils that have not renewed their AQAPs within the last 5 years.
- 2.5 Work to inform updates to the AQAP is ongoing and the Committee was consulted on the baseline study in May 2022. The Committee requested additional modelling work and that work is now complete.
- 2.6 The Council will write to Defra explaining the need for Committee approval to achieve adoption of the revised AQAP. The committee timeline does not allow for the required consultations to be achieved in time for the May deadline set by Defra. A further risk will be the pre-election period, should a general election be called as this will limit consultation activities.
- 2.7 The views of residents and statutory consultees and Members will be also sought prior to the AQAP coming back to the Environment and Sustainability Committee for approval. After which it will be sent to the Department of Environment, Food, and Rural Affairs (DEFRA) for assessment. If the AQAP passes DEFRA's assessment Spelthorne can then formally adopt the AQAP.
- 2.8 Sustained improvements in local air quality have been achieved in some areas of the borough and maintained over a 5-year period (excluding years with pandemic related travel restrictions). Defra guidance requires the coverage of the Air Quality Management Area, (AQMA), to be reviewed. Currently the AQMA is borough wide, but air quality monitoring data shows that there is not borough wide exceedance of the statutory air quality objectives for nitrogen dioxide air pollution. A report will be brought before a future Environment & Sustainability Committee specifying the options for a revised AQMA.
- 2.9 The motion passed by the Council on 14/10/21 to advocate for the World Health Organisation Global Air Quality Guidelines (WHO AQG's), is noted. Defra considers that working towards the WHO AQG's helps to safeguard local air quality when the coverage of an AQMA is reduced and the motion will be included amongst the actions of the Council within the AQAP, however the coverage of the AQMA must be considered in line with Defra guidance which considers the statutory objectives set out in the Air Quality Standards Regulations 2010 and not the WHO AQG's.

3. Options analysis and proposal

- 3.1 Not applicable. No options are being proposed at this stage of the project.

4. Financial implications

- 4.1 Budget is already allocated for the services of a specialist consultant to formulate the updated Air Quality Action Plan.

5. Risk considerations

- 5.1 Environmental Health's provision of the Councils statutory air quality management duties was subject to an internal audit in winter 2022. The ongoing work on the updated Air Quality Action Plan was noted. Internal Audit's assurance opinion is 'Reasonable Assurance' (there is a generally sound system of governance, risk management and control in place. Some issues, non-compliance or scope for improvement were identified which may put at risk the achievement of objectives in the area audited).
- 5.2 Risks to the delivery of the AQAP are as follows:
- 5.3 Risk of inadequate consultation, this risk will be mitigated by following guidance from Defra and by utilising the services of a specialist consultant to help deliver the consultation process.
- 5.4 Resource risk. This work has already been delayed by pressure of staff resources including work as an interested party into a high-profile inquest, several Development Consent Order consultations where the Council is a statutory consultee, consultation on the London ULEZ, and the Local Plan, and the volume of major planning applications and applications for development on brownfield land that require extensive review by Pollution Control Officers. Upcoming resource risks are consultations in relation to potential development and airspace change at Heathrow Airport, a major development on historic landfill that is currently undergoing land contamination validation which generates extensive technical submissions that the Pollution Control Officers must review, and consultation for the River Thames Scheme Development Consent Order to which Environmental Health are a statutory consultee. To help mitigate the risk of competing resource demands a specialist consultant will be appointed to help deliver the updated AQAP.
- 5.5 The risk of scope creep through the addition of non-statutory requirements to the AQAP process. This will be mitigated through rigorous application of the Defra guidance and the Defra AQAP template with recognition as to the regulatory roles and responsibilities of other government bodies where these are applicable such as the Environment Agency. Acting outside of the Council statutory jurisdiction will risk the updated AQAP not being accepted by Defra who have powers of audit over the AQAP as set out in the Air quality strategy: framework for local authority delivery and the Local Air Quality Management Framework underpinned by the Environment Act 1995 and the Air Quality (England) Regulations 2000 (as amended in 2002).

6. Procurement considerations

- 6.1 Quotations will be obtained from three suppliers of specialist consultancy services will be required as per the requirements of the Councils exemption to Contract Standing Orders.

7. Legal considerations

- 7.1 Local air quality management is a statutory process introduced by the Environment Act 1985 (Part IV), which places a legal duty on all local authorities to regularly review both the current and future air quality within their areas.
- 7.2 These air quality reviews must follow Government guidance that sets health-based objectives, which are based on what is considered acceptable given the known effects.

8. Other considerations

8.1 There are none.

9. Equality and Diversity

9.1 The AQAP is intended to help secure improvements to local air quality which benefit all members of the community, particularly those who are considered most vulnerable to the health impacts of poor air quality.

9.2 Air pollution is known to disproportionately effect less economically affluent communities, often these communities have lower levels of car ownership and a greater level of poor respiratory health. Actions to improve air quality can benefit these communities.

9.3 Policies within the AQAP will undergo an equalities impact assessment analysis to determine whether there is a disadvantage to a particular community. For Transport schemes the delivering Transport Authority will be responsible for ensuring that equality and diversity impacts are considered.

10. Sustainability/Climate Change Implications

10.1 Updating the Borough's Air Quality Action Plan is an important step in seeking to reduce the Borough's emissions in terms of air pollutants. Actions and policies to reduce air pollutant emissions from traffic will also help to reduce traffic related greenhouse gas emissions.

11. Timetable for implementation

11.1 Technical modelling and source apportionment to inform the updated AQAP is complete.

11.2 The procurement exercise to appoint specialist consultancy services will begin in November 2023.

11.3 The review of the AQMA coverage will be brought to committee in the New Year with options for the Committee to adopt.

11.4 Relevant policies and actions forming the AQAP must then be drafted and consulted on with stakeholders (Surrey County Council, neighbouring Boroughs, National Highways), and internally within Spelthorne Borough Council. Formulating the AQAP is expected to take 5 months with some dependence on the response times from external consultees.

11.5 A draft AQAP will need to be agreed with stakeholders and signed off by the Committee. The draft AQAP will then be subject to a public consultation exercise.

11.6 A finalised AQAP will be presented to the Committee for approval,

11.7 The finalised AQAP will then be submitted to Defra for approval. Defra may require further changes to the Action Plan upon their review.

12. Contact

12.1 Please contact the Pollution Control team at Pollution.Control@spelthorne.gov.uk for queries relating to this paper.

Background papers:

There are none.