

Environment and Sustainability Committee



16th April 2024

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| Title | <i>Spelthorne Air Quality Action Plan</i> |
| Purpose of the report | To make a Key Decision |
| Report Author | <i>Dr Claire Lucas, Principal Pollution Control Officer</i> |
| Ward(s) Affected | All Wards |
| Exempt | No |
| Exemption Reason | <i>Not applicable</i> |
| Corporate Priority | Environment |
| Recommendations | <p>Committee is asked to:</p> <ol style="list-style-type: none"> 1. <i>Approve the progression of the draft Air Quality Action Plan for submission to Defra for review.</i> 2. <i>Approve the progression of the draft Air Quality Action Plan to undergo Public Consultation.</i> |
| Reason for Recommendation | <p><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></p> <p><i>Defra have advised Spelthorne Borough Council that a draft Air Quality Action Plan must be submitted to Defra for comment by the 1st May 2024 and that the draft AQAP must progress to public consultation.</i></p> <p><i>To ensure that the Council complies with statutory obligations.</i></p> |

1. Summary of the report

| What is the situation | Why we want to do something |
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| <ul style="list-style-type: none"> • As part of Spelthorne Borough Council's statutory local air quality management duties Defra require the Council to submit a draft Air | <ul style="list-style-type: none"> • This is a statutory requirement, as advised by Defra. • Spelthorne Borough Council recognises the health impacts of |

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| <p>Quality Action Plan setting out actions that the Council and other stakeholders in Local Air Quality will take over 5 years to safeguard air quality within the Spelthorne Air Quality Management Area.</p> | <p>poor air quality and are committed to working to safeguard improvements in local air quality.</p> <ul style="list-style-type: none"> Spelthorne Borough Council recognises the Climate Change Emergency and the need to reduce greenhouse gas emissions which has co-benefits for local air quality. |
| <p>This is what we want to do about it</p> | <p>These are the next steps</p> |
| <ul style="list-style-type: none"> A draft Air Quality Action Plan has been written by specialist consultants following engagement with stakeholders including the Transport Authorities, National Highways and Surrey County Council. The draft Air Quality Action Plan needs to progress to Public Consultation to capture the views of Spelthorne residents and businesses as well as those of neighbouring authorities. Alongside the Public Consultation process Defra’s air quality specialist will review the draft Air Quality Action Plan and provide feedback. | <ul style="list-style-type: none"> To achieve Committee approval for the draft Air Quality Action Plan to progress to Public Consultation and to review by Defra. A Public Consultation exercise will run in the Council’s digital platform in line with Defra guidance for six weeks. Neighbouring Local Authorities will be consulted on the draft Air Quality Action Plan alongside the Public Consultation exercise. Comments from Defra, Neighbouring Authorities and the responses to the Public Consultation will be considered in a finalised Air Quality Action Plan that will require adoption at Committee later this year. |

2. Key issues

- 2.1 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.
- 2.2 Spelthorne has experienced widespread improvement in air quality measured against the annual mean National Air Quality Objective for nitrogen dioxide that is primarily attributable to pollutant emissions from traffic since the Boroughs Air Quality Action Plan was published in 2005.
- 2.3 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. Annual updates on the Councils and stakeholder actions have been made in the Annual Status Report to Defra.

- 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 other Councils that have not renewed their AQAPs within the last five years.
- 2.5 In January 2024 Spelthorne's Environment and Sustainability Committee determined to reduce the coverage of the Air Quality Management Area that had been declared for historic exceedance of the statutory air quality objectives for nitrogen dioxide air pollution in reflection of the improvements demonstrated in air quality monitoring data.
- 2.6 The motion passed by the Council on 14 October 2021 to advocate for the WHO Global Air Quality Guidelines (WHO AQG's), is noted. Defra considers that working towards the WHO AQG's helps to safeguard local air quality and the motion has been included amongst the actions of the Council within the AQAP. However the AQAP must comply with Defra guidance, which considers the statutory objectives set out in the Air Quality Standards Regulations 2010 and not the WHO AQG's.
- 2.7 Defra have indicated that the draft AQAP should be submitted to Defra for initial appraisal at the statutory consultation stage. The AQAP should then be finalised and submitted again to Defra for approval. Upon final approval by Spelthorne Borough Council the AQAP should be published on the Council's website.
- 2.8 Defra have also stated that the warning process mentioned above will be halted upon receipt of the draft AQAP.

3. Options analysis and proposal

- 3.1 The draft AQAP presents actions for Spelthorne Borough Council and stakeholders such as Heathrow Airport Ltd, National Highways, and Surrey County Council. These are actions to be pursued from 2024 to 2028 subject to resources and funding.
- 3.2 The action measures are included based on scale of the air quality issues identified, which are that Spelthorne Borough Council's air quality monitoring datasets for the past three years are showing very limited exceedance at one location in the most recently available dataset with no relevant exposure.
- 3.3 The AQAP secures the continuation of comprehensive air quality monitoring, and that Spelthorne Borough Council contributes as a member of the Surrey Air Alliance, with other Surrey Districts and Boroughs, to a Surrey wide air quality dispersion modelling exercise within the lifecycle of the plan.
- 3.4 Further safeguards are provided by the Local Air Quality Management process in that the contents of the AQAP are reviewed each year within the Local Air Quality Management Annual Status Reporting process to Defra. If there is evidence of deterioration in air quality further measures can be introduced.
- 3.5 The draft AQAP is presented in Appendix A. Some key SBC measures from the draft AQAP include:
 - Undertaking the statutory process required to increase the cover of the boroughs Smoke Control Areas to give borough wide coverage.

- Supporting the Spelthorne in the Zone campaign for inclusion of Spelthorne in transport Zone 6.
- Closer working on synergies in policy and projects securing air quality improvement and reductions in greenhouse gas emissions such as through the Climate Change Working Group.
- Continuing to promote and encourage active travel as an alternative to vehicle use.
- Continuing to provide an air quality alert service that residents who are vulnerable to episodes of poor air quality can sign up to.
- Continuing to fund and provide comprehensive air quality monitoring in the borough.
- Continuing collaboration with Heathrow Airport Ltd to reduce emissions arising from the operation of Heathrow Airport.
- Continuing to work with the Surrey Air Alliance including neighbouring boroughs, Surrey County Council and National Highways to bring about air quality improvements across Surrey. Public Health, Safer Travel and the Transport Planning teams from Surrey County Council and Surrey Heartlands NHS Trust all participate in the Surrey Air Alliance.
- Working on supplementary planning guidance for applicants on air quality with Development Planning.

- 3.6 Members should note that when the plan is adopted, the Council will be committing to a number of measures, some of which will require funding via Service Plans and Growth Bids.
- 3.7 The Committee is asked to make a decision as follows:
- 3.8 **Option 1: To recommend that the draft AQAP commences to Public Consultation and is submitted to Defra for review.**
- 3.9 **Option 2: Not to recommend that the draft AQAP commences to Public Consultation and is submitted to Defra for review.**
- 3.10 Option 2 is not recommended as it will mean the Council will not meet the May deadline set by Defra. Failure to meet the deadline imposed by Defra will result in the Council receiving a Ministerial Section 85 Direction Letter to the Chief Executive specifying action.
- 3.11 Due to the timescales imposed by Defra for the submission of a draft AQAP, no option for amending the draft AQAP is presented. The draft AQAP and the accompanying Equalities and Diversity Impacts Assessment have been formulated by professional technical experts in the field of air quality management and equalities and diversity impacts assessment, in consultation with stakeholders in Local Air Quality Management. The draft AQAP has been written in line with a template and guidance produced by Defra. Members were consulted via a dedicated Members Briefing. Amendments to the AQAP will be made following the public consultation exercise, and taking account of feedback from Defra before the AQAP progresses to Committee for adoption.

4. Financial management comments

- 4.1 Budget is already allocated for the services of a specialist consultant who has formulated the updated Air Quality Action Plan.
- 4.2 It is possible that further professional services may be required to complete the plan after the Public Consultation stage, this has been budgeted for in the 2024/25 financial year.
- 4.3 The funding of individual actions within the plan will vary in accordance with which organisation is responsible for the action, and whether the action can be delivered with existing resources or requires additional funding.
- 4.4 Where additional funding may be required for actions within the plan routes to funding include grant applications to the Defra Air Quality Fund, corporate social responsibility funding that may be available to the Council, Section 106 funding if appropriate, Green Initiatives bids and other funds related to emissions reduction, growth bids, actions as part of development schemes, for example the River Thames Scheme is expected to secure active travel infrastructure, and revenue generated by services such as parking where appropriate, for example from EV charging stations if established in Council owned car parks.

5. Risk management comments

- 5.1 Environmental Health's provision of the Council's 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 has been mitigated by following guidance from Defra and by utilising the services of a specialist consultant who will help deliver the consultation process.
- 5.4 Resource risk; this work has already been delayed by pressure on staff resources. 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 from Air Quality Consultants Ltd has been appointed to help deliver the updated AQAP.
- 5.5 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 comments

- 6.1 A procurement mini tender exercise was conducted in December and January 2024 by the Council's Procurement Officers and the Project Team. The tender exercise resulted in no bids. Therefore in accordance with procurement advice, a direct appointment was made for specialist consultancy services that could be delivered to the timescale required by Defra.

7. Legal comments

- 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 affect 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 have undergone 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 The draft AQAP will need to be approved by this Committee. Once approved Spelthorne Borough Council must seek sign off from the Director of Public Health at Surrey County Council.
- 11.2 The draft AQAP will then be subject to a Public Consultation exercise, scrutiny by Defra and to consultation with neighbouring Districts and Boroughs.

- 11.3 The Public Consultation will run for six weeks via the Council's digital consultation platform, with hard copy documents and comments boxes placed within the Council's libraries and Community Centres. It is intended for the Public Consultation to commence in May 2024 following the election of the Police and Crime Commissioner.
- 11.4 Once the Public Consultation period closes and comments are received from Defra the comments will be collated and reviewed against the draft. Appropriate further actions that are suggested will be explored and incorporated into the finalised AQAP.
- 11.5 The finalised AQAP will be presented to the Environment and Sustainability Committee for approval before progressing to adoption at the Policy and Resources Committee in Autumn 2024. Members are asked to note that the timetable is not specific as the Committee meetings for this period are not yet scheduled and the General Election period restrictions may alter the timetable.

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.

Appendices:

Appendix A: Draft Spelthorne Air Quality Action Plan

The draft Air Quality Action Plan sets out updated information on local air quality, in summary that there is by the most recently available annual dataset no exceedance of air quality objectives with relevant exposure, and a set of actions that the Council will commit to in safeguarding local air quality.

The draft Air Quality Action Plan is formatted in accordance with strict template provided by Defra.

Appendix B: Equality and Diversity Impacts Assessment for the Air Quality Action Plan.

The document provides consideration of policies and actions which may impact upon specific groups of people and whether mitigation for such impacts is required.