

Environment and Sustainability Committee



03 December 2024

Title	Adoption of Spelthorne's Air Quality Action Plan
Purpose of the report	To make a Key Decision
Report Author	Dr Eliane Foteu, Pollution Control Team/Air Quality Tracey Willmott-French, Senior Environmental Health Manager
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	<i>Not applicable</i>
Corporate Priority	Environment
Recommendations	Committee is asked to: 1. Note the Air Quality Action Plan (AQAP) consultation report and 2. Approve the final AQAP for adoption by the council.
Reason for Recommendation	<ul style="list-style-type: none"> Spelthorne Borough Council recognises the health impacts of poor air quality and is committed to working to safeguard improvements in local air quality. The Council recognises its statutory air quality management duties and the value AQAPs have in controlling and improving air pollution. To ensure the Council's compliance with its statutory obligations under Environment Act 1985 (Part IV), thereby ensuring that the Council meets DEFRA's requirement for the adoption of an agreed AQAP by 2025.

1. Summary of the report

What is the situation	Why we want to do something
As part of its local authority air quality management responsibilities the Council has a statutory duty to produce an AQAP setting out the actions that it and other stakeholders will take to improve and safeguard air quality within the Spelthorne's Air Quality Management Area (AQMA).	<ul style="list-style-type: none"> Safeguarding public health from poor air quality. Compliance with statutory duties

<p>In August 2023, DEFRA reminded the Council of its duty to revise its AQAP and for the Council to submit this to DEFRA for its approval.</p> <p>An AQAP was drafted in association with specialist consultants and with the engagement of key stakeholders including the Transport Authorities, National Highways, and Surrey County Council.</p> <p>In May 2024, the Environment and Sustainability Committee (E&S) approved the 1st draft of the AQAP and agreed for it to go forward for statutory and public consultation.</p> <p>The draft AQAP has been subject to a six-week statutory and public consultation (between 20 May 2024 to 30 June 2024) to capture the views of Spelthorne residents and businesses, as well as those of DEFRA and other statutory consultees including Surrey County Council (Highways Authority and Director of Public Health), National Highways, and neighbouring local authorities.</p> <p>The draft AQAP has subsequently been revised considering comments received through the consultation, including those from DEFRA.</p>	
<p>This is what we want to do about it</p>	<p>These are the next steps</p>
<p>The Council needs to finalise and adopt Spelthorne’s draft AQAP.</p>	<p>Committee to note the consultation report attached to this note.</p> <p>If in agreement, that Committee approves the adoption of the final AQAP, subject to receiving final approval from DEFRA.</p>

2. Key issues

- 2.1 The Environment Act 1985 places a legal duty on local authorities to regularly review both the current and future air quality within their areas. Where the air quality objective limit levels are not being met, the local authority must develop an AQAP setting out what they will do to improve air quality in their area with a view of achieving compliance. Without viable AQAP in place local authorities risk impacting their communities by not proactively working to reduce air pollution in the area.
- 2.2 An AQAP provides the mechanism by which local authorities, in collaboration with national agencies and key stakeholder, state their intentions for working towards the air quality objectives using the powers they have available. The key criteria for action plans, as set down within statutory guidance are: -

- (a) they set out the measures to be taken to achieve and maintain the air quality standards and objectives.
 - (b) specify the date by when each measure will be carried out.
 - (c) action plans are to be revised as a minimum every five years.
- 2.3 Spelthorne has experienced widespread improvement in air quality measured against the annual mean National Air Quality Objective for nitrogen dioxide (NO₂) that is primarily attributable to pollutant emissions from traffic since the Council's AQAP was published in 2005.
- 2.4 DEFRA wrote to the Council on the 31 of August 2023 specifying that the AQAP must be updated by May 2024 (**Appendix D** refers). DEFRA has subsequently agreed an extension to the end of 2024.
- 2.5 A draft AQAP has been developed in accordance with statutory guidance. In May, E&S agreed the draft AQAP and that it could go out for statutory and public consultation.
- 2.6 The consultation has been concluded and the draft AQAP has subsequently been reviewed taking onboard the comments received. The revised draft AQAP can be found at **Appendix A**, and the specific changes made to the draft AQAP are outlined on page 6 of the AQAO Consultation Report of **Appendix B**.
- 2.7 As required by DEFRA, the draft was submitted to them at the start of statutory consultation period for their initial appraisal. DEFRA suggested some technical changes be made, which have been carried out.
- DEFRA has now stated that it is satisfied with the revised draft AQAP. The final draft AQAP is now sitting with DEFRA awaiting their 'formal' approval (**Appendix C** refers).
- 2.8 The final draft of the AQAP now needs to be approved and adopted by the E&S Committee.
- 2.9 Upon final approval by Spelthorne Borough Council and DEFRA, the AQAP must be published on the Council's website.

3. Options analysis and proposal

- 3.1 The Final AQAP outlining the actions for Spelthorne Borough Council and other stakeholders (such as Heathrow Airport Ltd, National Highways, and Surrey County Council) that are to be pursued from 2024 to 2029 subject to resources and funding (**Appendix A** refers).
- 3.2 Some key SBC measures from the draft AQAP include: -
- Undertaking the statutory process required to increase the cover of the borough's 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.

3.3 The Committee is asked to make a decision on the adoption of the Draft AQAP, and the options are as follows: -

3.4 **Option 1:** To note the AQAP consultation response report and approve the AQAP for adoption. **The preferred option.**

The Final AQAP and the accompanying consultation report including the associated equalities and diversity impacts assessment are attached.

This draft AQAP was formulated by professional technical experts in the field of air quality management and equalities and diversity impacts assessment, in consultation with stakeholders in LAQM. The AQAP has been written in line with a template and guidance produced by DEFRA. Members were consulted via a dedicated Members Briefing. The results of statutory and non-statutory consultation undertaken were used to shape this final AQAP in accordance with the guidance in vigour.

This option also achieves the timescales imposed by DEFRA for the adoption of a final AQAP.

3.4 **Option 2:** to note the AQAP consultation report and reject the final AQAP.

This option is not recommended as it will mean the Council will not meet its statutory duties by failure to have an AQAP in place.

The E&S Committee approved the draft AQAP in May 2024, this revised AQAP contains no major variation from the May 2024 version but has been amended predominantly in light technical advice issued by DEFRA's Air Quality and Industrial Emissions Team following consultation.

Following DEFRA's initial letter to Spelthorne Borough Council, DEFRA granted the Council an extension for the submission to May 2024. Failure to adopt the plan will mean that the Secretary of State will issue the Final Warning Letter to SBC (See Appendix D for DEFRA AQAP submission process).

4. **Financial management comments**

4.1 Each action proposed in Table 5.1 of the AQAP was put forward based on an initial high level cost benefit analysis. The actions proposed were judged to be able to create a reduction of the concentrations of pollutant in the AQMA's cited, and across the Borough as a whole, whilst being achievable at a reasonable cost

4.2 Although specific costs are yet to be finalised, it is anticipated that financial contributions from the Council for implementing actions will come from various

sources. These include indirectly from the commitment of officer time where actions involve the development of partnerships and policies to drive change to direct cash contributions where procurement of works or services may be required

- 4.3 There is currently no budget specifically set aside for the implementation of the AQAP. Services will need to prioritise officer time to develop and implement solutions in line with existing statutory obligations and the Council's Corporate Strategy priorities. The Council will seek to deliver the AQAP from existing budgets, but will keep under review.
- 4.4 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.
- 4.5 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 reserve funding, 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 AQAP 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 Staffing resource risks: this work has historically been delayed due to staff resourcing pressures caused by competing statutory duties (including the duties of the Pollution Control team to review the impacts on the environment and to the health of people associated with the redevelopment of land and in particular major redevelopments, including Heathrow Airport, the River Thames Scheme Development Consent Order, Shepperton Studios, the Local Plan, etc). Therefore where possible officer resources associated with air quality improvement project work will be considered and factored in during the scoping stage.
- 5.3 Risk of scope creep through the addition of non-statutory requirements to the AQAP process. This was 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.

6. Procurement comments

- 6.1 Strategic Procurement will work with services to deliver the AQAP to ensure appropriate inclusion within future procurement requirements and policy.

7. Legal comments

7.1 LAQM 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 have undergone an equalities impact assessment analysis (included in **Appendix B**) 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 AQAP 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 Immediately following approval being granted by the Environment and Sustainability Committee for adoption of the AQAP.

12. Contact

12.1 Tracey Willmott-French, Senior Environmental Health Manager (t.willmott-french@spelthorne.gov.uk)(01784-446271)

Background papers:

There are none.

List of Appendices

Appendix	Title	Brief Description
A	Spelthorne Air Quality Action Plan	The Final AQAP 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 new AQAP is formatted in accordance with strict template provided by DEFRA.

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| B | AQAP consultation response report included Equality and Diversity Impacts Assessment for the AQAP | The document provides consideration of policies and actions which may impact upon specific groups of people and whether mitigation for such impacts is required. |
| C | DEFRA and SCC approval Letter/email | DEFRA approval Letter (not yet available because the report is yet to be submitted to DEFRA for final review). |
| D | DEFRA Warning Letter | See below. the warning process for missing or invalid AQAPs is presented in the table provided. Failure to adopt this plan will lead to the Final Warning letter from the AQIE Deputy Director to relevant Director at non-compliant Local Authority. |