

	<b>Environment Committee</b> <b>8th March 2016</b>
<b>Title</b>	<b>Air Quality Action Plan</b>
<b>Report of</b>	Commissioning Director for Environment
<b>Wards</b>	All Wards
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	Yes
<b>Enclosures</b>	Appendix 1 – Recommended actions to improve air quality in Barnet Appendix 2 -Mayor’s Air Quality Fund 2013-16 Appendix 3 –Chartered Institute of Environmental Health Position Statement
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## Summary

In 2001 the Council designated the borough of Barnet as an Air Quality Management Area (AQMA) and in 2002 produced a strategy to improve air quality in Barnet. This strategy was superseded by the requirement for a statutory Action Plan to reduce air pollutants such as Nitrogen Dioxide and Fine Particles (PM10). This Action Plan is updated annually and update reports must be submitted to DEFRA in a prescribed format.

The purpose of this report is to seek Members’ views on measures to improve air quality in Barnet that will be included in the draft updated Action Plan due to be submitted to DEFRA and the GLA.

## **Recommendations**

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| <p><b>1. That the Environment Committee note the proposed measures to improve air quality to be included in the updated Air Quality Action Plan.</b></p>                                       |
| <p><b>2. That the Environment Committee proposes which measures outlined in Appendix 1 of this report it would wish to be included in a new Strategy to improve air quality in Barnet.</b></p> |
| <p><b>3. That authority be delegated to the Commissioning Director for Environment to submit the finalised Air Quality Action Plan to DEFRA in April 2016.</b></p>                             |

### **1. WHY THIS REPORT IS NEEDED**

- 1.1 In 2001 the Council designated the borough of Barnet as an Air Quality Management Area (AQMA) and in 2002 produced a strategy to improve air quality in Barnet. This strategy was superseded by the requirement for a statutory Action Plan to reduce air pollutants such as Nitrogen Dioxide and Fine Particles (PM10). This Action Plan is updated annually and update reports must be submitted to DEFRA in a prescribed format. These are also published on the council website. The pollutants are mainly caused by high levels of motor vehicle use on the busy roads of the borough.
- 1.2 Each year DEFRA and the GLA approve the Action Plan as part of the Statutory Review and Assessment of the authorities' management of air quality. In 2015 there were qualifying comments received regarding the need to update the content of the Barnet Plan. The comments were that the plan was 12 years old, and needs refreshing to highlight the most recent work being done in Barnet. DEFRA are due to issue a new template for the Action Plan which will be used to address those comments once issued.
- 1.3 The Action Plan requires updating to include the recent work being undertaken through the Mayor's Air Quality Fund by the authorities' dedicated Air Quality Champion. This includes projects in North Finchley, promotion of sustainable transport, cycle and electric vehicle hire, walking and greening of polluted areas.
- 1.4 The revised Action Plan will also describe how the Environmental/ Parking Permit Policy will be designed to encourage residents to use less polluting cars and so reduce emissions of Carbon Dioxide, Nitrogen Dioxide and Fine Particles which currently affect local air quality due to exceedances of targets. Improvements in the Council Fleet and planned highways measures to promote sustainable transport will also be included.
- 1.5 The Plan will be finalised after receiving comments from the Committee meeting. This will be before the end of April when DEFRA and the GLA are due to release a new standardised template for action plan reports. The plan also requires a full year's worth of air quality monitoring data, which does not usually get checked and verified until the end of March.

- 1.6 The DEFRA/GLA timetable requires the Council to report its 2015 air quality results and update the statutory Action Plan by the end of April 2016.
- 1.7 Member's views are sought on what actions they would like to see incorporated in the new Action Plan. A finalised Plan will then be brought back to Environment Committee later in the year to incorporate a new Strategy and Policy on Air Quality linking with the new Transport and Highways strategies. This will include proposals for the Council's fleet and measures to reduce congestion and promote sustainable transport.
- 1.8 Please see appendix one for the list of recommended new and existing measures to include in the updated air quality action plan. Appendix two outlines the key measures taken to improve air quality as funded by the Mayor's Air Quality Fund 2013-2016. Appendix three is the Chartered Institute of Environmental Health policy statement on Air quality and provides the legislative context for the work needed to improve air quality.

## **2. REASONS FOR RECOMMENDATIONS**

- 2.1 The measures proposed for the updated Action Plan will help to improve air quality in Barnet, reduce congestion and encourage sustainable transport and reduce the likelihood of EU fines being handed down due to exceedances of poor air quality.

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The Air Quality Action Plan is a statutory report and therefore must be submitted to DEFRA/GLA in accordance with their timetable. To not submit a plan is therefore not recommended.

## **4. POST DECISION IMPLEMENTATION**

- 4.1 Once DEFRA/GLA have issued the final template to be used to report 2015 air quality results and the revised action plan, this will be completed and submitted in accordance with their timetable in April 2016. The report and action plan will also be publicised on Barnet website

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 Air quality is relevant to The Barnet Corporate Plan 2015-20 objectives:  
"The council, working with local, regional and national partners, will strive to ensure that Barnet is a place of opportunity, where people can further their quality of life..."

"Where people are helped to help themselves, recognising that prevention is better than cure" which is relevant to promoting sustainable transport and physical activity rather than over reliance on the car.

5.1.2 To deliver the action plan will reflect our Strategic Equalities Objective (SEO), which is:

“That citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.”

5.1.3 The air quality action plan is aligned to the Health and Wellbeing Strategy and its stated priorities and themes.

Wellbeing in the Community: Improving air quality is creating circumstances that enable people to have greater life opportunities. How we live is encouraging healthier lifestyles”. The air quality action plan encourages sustainable transport such as walking and cycling that help the objective to focus on reducing obesity and preventing long term conditions through promoting physical activity

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Re (Regional Enterprise) applied for £400K of funding from round two of the Mayor’s Air Quality Fund (2016-2019). The GLA granted £55K for a freight consolidation project (which is due to be claimed by the council), and £180K between Barnet, Enfield, Haringey and Waltham Forest to fund a Construction Site Emissions Enforcement Officer. Any costs for the officer are submitted to LB Enfield who holds the funding on behalf of the boroughs. Unfortunately no further funding was given. Re also applied for £60K of Defra’s grant scheme to improve air quality but none was given.

5.2.2 For the 2013-2016 first round of Mayor’s Air Quality Fund, £270K was awarded from the GLA, and this was matched by £95K of LIP funding through Highways, and £30K from Barnet and Harrow Public Health. All of expenditure for these areas will be claimed by the council and fully funded in 2015/16. The new LIP budget for 2016/17 does not currently include funding for air quality; however there is scope to influence as it is not finalised.

5.2.3 The Environmental Permitting of residential parking (proposed new action number 2) is self-financing from car owners and is described in more detail in the Barnet Parking Policy dated November 2015. All costs and income associated with this are contained within the Special parking account (SPA).

5.2.4 Depending on the agreed actions, the costs will be already covered by the existing Re contract (paid by the council), would be borne by another external agency (and be subject to agreed funding), or requires Council funding in order to implement.

Of the recommended new actions, the cost for 1, 6, and 7 would be borne by TfL and the Highways Agency. Action 2 is self-financing within the council’s SPA. Actions 3 and 10 have grant funding from the GLA, but action 3 would require Barnet Council procurement officer time. Actions 4, 5 and 8 would require the Highways department to bid for TfL funding through the LIP.

Action 9 would require Council funding from a source to be determined and the cost would vary according to scale. Re could apply for future grants for this action.

All of the existing measures to improve air quality listed in appendix 1 are covered by the existing Re contract and would incur no further costs to the council.

### **5.3 Social Value**

5.3.1 The improvements in air quality promoted by the Air Quality Action Plan will have wide social and environmental benefits for all residents and workers especially those close to busy roads.

### **5.4 Legal and Constitutional References**

5.4.1 S.82-84 Environment Act 1995 requires the issue of an Air Quality Action Plan once an Air Quality Management Area has been designated.

5.4.2 The delegated powers for this legislation fall within the remit of the Commissioning Director for Environment in line with the Scheme of delegation for Officers and are delivered through Re, Environmental Health Team.

5.4.3 In 2014, the European Court of Justice ruled that the Supreme Court had authority to ensure that the UK Government complied with EU air quality limit values in respect of NO<sub>2</sub> in certain geographical zones. Subsequently, DEFRA was ordered to bring forward new, compliant air quality plans for those zones by the end of 2015 which it did, following a series of related consultations from the department including drafts of those plans.

5.4.4 The Council's Constitution comprising the current Scheme of Delegation states in Annex A to Part 15 Responsibility for Functions, that the Environment Committee has responsibility to approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources. The Scheme of Delegation also states that If any report comes within the remit of more than one committee, to avoid the report being discussed at several committees, the report will be presented and determined at the most appropriate committee. The majority of the recommended new and existing actions set out in Appendix one consist of actions involving transport and traffic management and parking provision and enforcement, which are areas for which the Environment Committee has specific responsibility for commissioning and therefore it is the appropriate committee to discuss and determine this report.

### **5.5 Risk Management**

5.5.1 The risks of not providing an adequate Air Quality Action Plan to help reduce exceedances of poor air quality in the L.B. Barnet are the potential impacts on the health of residents that are regularly exposed to poor air quality from highly trafficked roads.

5.5.2 EU legislation specifies that Member states can be fined for poor air quality. The national government, through DEFRA and GLA, check the effectiveness of local authority reports, as if exceedances occur that can be deemed to be the fault of poor management of Council controlled highways then LA's may be held directly responsible for a proportion of the fine.

5.5.3 Exceedances of air quality limits occur near the busy roads of Barnet and these can reasonably be expected to be still occurring in 2025. Current knowledge on emissions from vehicles suggests that unless there is improvement from other measures by 2020 there is risk of a fine from the EU possibly being handed down from DEFRA/GLA. There is a medium risk of a fine if the action plan is not accepted by DEFRA and the GLA and the actions are not completed.

5.5.4 In the press it has been quoted that the UK could be fined by the EU in the region of £300 million post 2020. The exceedances are in 16 out of 42 UK zones with London being the most polluted part of the UK.

5.5.5 As the borough has an expanding population this does increase the risk of continued exceedances if the development is not sustainably managed.

5.5.6 Therefore from the Corporate Risk management Framework there is a moderate risk of major financial impact over £150,000 due to the potential EU fine. There is also a moderate risk of major reputational and operational impact if there is no progress acknowledged by the GLA/DEFRA on improving Barnet's air quality from measures described in the action plan.

## **5.6 Equalities and Diversity**

5.6.1 From the Corporate Plan to deliver the action plan will reflect our Strategic Equalities Objective (SEO), which is:

“That citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer.”

5.6.2 The air quality of Barnet affects all residents and workers and does not differentiate between persons of different culture, religion, wealth, sex or physical ability, therefore the improvement sought in the action plan will affect every part of society. Whilst it is not anticipated that the proposals contained in Appendix one will cause detriment to any particular group, poor air quality may have greater effect on the very young, the very old or people with certain other disabilities or conditions who may be more prone to suffering as a result of poor air quality. The only point in the action plan which may have some equalities impact is the Environmental Permitting of residential car parking where disability is taken into account and is covered in the Barnet Parking Policy 2015.

## **5.7 Consultation and Engagement**

5.7.1 The final Air Quality Action Plan must undergo a consultation process with neighbouring boroughs and other stakeholders including the public. It needs to be approved by Defra and the GLA.

## **5.8 Insight**

5.8.1 There is DEFRA and GLA guidance concerning Air quality action plans. It is a statutory requirement to follow the guidance when producing plans.

## **6. BACKGROUND PAPERS**

RECOMMENDED ACTIONS TO IMPROVE AIR QUALITY IN BARNET FOR  
INCLUSION IN UPDATED AIR QUALITY ACTION PLAN 2016  
MAYORS AIR QUALITY FUND 2013-16  
CIEH POSITION STATEMENT