

Item No. 9.	Classification: Open	Date: 8 February 2011	Meeting Name: Cabinet
Report title:		Southwark Air Quality Improvement Strategy & Action Plan 2011 – Draft for public consultation	
Ward(s) or groups affected:		All wards	
Cabinet Member:		Councillor Barrie Hargrove, Cabinet Member for Transport, Environment and Recycling	

FOREWORD – COUNCILLOR BARRIE HARGROVE, CABINET MEMBER FOR TRANSPORT, ENVIRONMENT AND RECYCLING

1. This draft strategy is recommended for approval by the Cabinet for the purpose of consultation with external strategic partners and members of the public. This draft provides a full revision of the council's original strategy from 2003, bringing us wholly up to date with latest developments in the field. It draws from both national and regional strategy and has been benchmarked against other existing 'best in class' local strategy. It sets out a comprehensive approach to air quality improvement, intended to complement and work alongside other corporate policy.

RECOMMENDATION

2. That the cabinet approves the draft Southwark Air Quality Improvement Strategy and Action Plan for 2011, as set out in Appendix A, for the purposes of public consultation.

BACKGROUND INFORMATION

3. The Environment Act 1995 requires all local authorities regularly review air quality in their district and make an assessment as to whether a range of air quality standards and objectives, established by the National Air Quality Strategy, are being achieved.
4. Where that assessment identifies that these health based objectives will not be achieved by the dates set, the authority must declare an air quality management area (AQMA). The authority must also prepare a supporting air quality action plan (AQAP) which sets out the measures the authority intends to put into place to achieve the objectives.
5. An initial assessment of the position in Southwark in 2002 concluded that three of the health based objectives were unlikely to be met by the set dates. These related to nitrogen dioxide (NO₂), small particulate matter (PM₁₀), and benzene. As a result of this an AQMA was declared covering approximately 90% of the borough (the area to the north of the A205). An air quality strategy and improvement plan followed in 2003 and 'update and screening assessments' (USA) have taken place at regular intervals since.

6. The position has since improved. Today only two of the three highlighted objectives, nitrogen dioxide and small particulate matter (under 10 micrometres) remain of concern.
7. There have also been many other developments in this field. Across recent years we have seen:
 - The publication of the European Framework Air Quality Directive which amalgamated and advanced previous Directives:
 - The introduction of a new standard for fine particulate matter PM_{2.5};
 - The updating of Defra's national air quality strategy
 - The development of the Mayor of London's local air quality strategy;
 - The issues of climate change, energy conservation and sustainability have moved up the strategic agenda; and
 - The rapid introduction of biomass fired heating in new developments and schools programme to meet Defra and GLA renewable energy targets.
8. The combination of these developments has, over time, placed increasing pressure on the need to revise our own air quality improvement strategy.
9. Separately, the council is currently in the process of revising the Southwark Local (Transport) Implementation Plan (LIP) in response to the Mayor of London's revised transport strategy. A draft Transport Plan document is in development with the intention of going out to public consultation on the proposals, early in 2011. This allows for the simultaneous revision of the air quality improvement strategy.
10. A draft of the air quality improvement strategy and action plan for 2011 has been prepared through consultation with internal stakeholders, including:
 - Transport planning:
 - Planning;
 - Climate change / sustainability team;
 - Public realm;
 - Design and conservation;
 - PCT;
 - Housing energy;
 - Parking;
 - Community engagement; and
 - Legal services.
11. A copy of the document is provided at Appendix A to this report. It is intended to further develop this document through external consultation with other partners, stakeholders, interest groups and the general Southwark local community. Consultation is scheduled through March and April 2011. The draft is put to the cabinet for approval for the purpose of this consultation, accordingly.
12. Following consultation all submissions will be considered and a final document returned to the cabinet for approval in due course.

KEY ISSUES FOR CONSIDERATION

The Strategy

13. As established the draft Air Quality Improvement Strategy and Action Plan has the combined objective of working toward air quality objectives within the borough and, in doing so, improving the health of people living and working in Southwark by reducing exposure to air pollution and raising air quality awareness. These objectives are pursued through four aims:
 - To reduce emissions from vehicular transport;
 - To tackle emissions from existing fixed sources (primarily heating and power sources);
 - To reduce emissions from new developments; and
 - To protect health and monitor air quality.
14. The strategy also contains a broad commitment to work with and support the Mayor's draft Air Quality Strategy.
15. The draft document proposes a range of measures under each of the four aims. These are summarised below:

First aim – To reduce emissions from vehicular transport (sections 7.1 – 7.25)

- Measure 1 – To promote car sharing clubs;
- Measure 2 – To promote sustainable travel choices;
- Measure 3 - To pilot schemes for local school travel plans;
- Measure 4 – To publicise the adverse impacts of 'idling engines' and carry out follow-up enforcement activity;
- Measure 5 – To carry out air quality assessments on all major traffic management schemes;
- Measure 6 – To deliver in-house 'smart driver training';
- Measure 7 – To develop an emissions strategy for all new council contractors' vehicles and plant; and
- Measure 8 – To lobby for a Central London low-emissions zone, in conjunction with partner boroughs in the Central London Air Quality Cluster Group.

Second aim – To reduce emissions from fixed sources (section 8.1 – 8.6)

- Measure 9 – To continue implementation of energy efficiency measures in council owned buildings;
- Measure 10 – To ensure that local energy generation plant is fitted with suitable abatement and dispersal technologies; and
- Measure 11 – To continue to regulate Part B processes under the Local Authority Pollution Control Regime.

Third aim – To reduce emissions from new developments (sections 9.1 – 9.6)

- Measure 12 – To require developers to adopt within their Environmental Construction Development Plans, measures included in the London Councils and GLA Best Practice Guidance on Construction and Demolition; and

- Measure 13 – To monitor all travel plans received from major developers under the planning process, for purposes of compliance and take relevant enforcement actions as necessary.

Fourth aim – To improve public health and monitor air quality (sections 10.1 – 10.15)

- Measure 14 – To require developers to submit air quality assessments for all major applications within the AQMA and any other development that may have an adverse impact on air quality;
- Measure 15 – To gather an evidence base to support developers in conducting air quality assessments
- Measure 16 – To develop policies within the emerging Local Development Framework that will require new development to reduce PM₁₀ and NO_x emissions in comparison with previous site use;
- Measure 17 – To promote the AirTEXT service;
- Measure 18 – To promote up to date information on air quality;
- Measure 19 – To provide ongoing monitoring of air quality in Southwark through the combination of two automatic monitoring stations and diffusion tube surveys; and
- Measure 20 – To promote the ‘right tree, right place’ methodology to ensure that new street trees do not adversely affect air quality.

Policy implications

16. Southwark 2016, the Southwark Alliance’s Sustainable Community Strategy published in 2006, sets out a framework for responding to local needs and concerns; increasing life chances; and reducing the inequality gap. Within the priorities contained within the Community Strategy is an intention to ‘achieve a measurable improvement in air quality by 2016’. The draft Air Quality Strategy progresses this agenda.
17. The draft Air Quality Improvement Strategy is also intended to complement and help to integrate local planning, transport, climate change and other policy.
18. As noted, and in recognition of this, the draft Air Quality Strategy and Action Plan (AQSAP) is being developed through consultation alongside the Transport Plan. Any potential conflict between the AQSAP and the Transport Plan or other strategies will be highlighted during the course of the consultation and debated.
19. One area of conflict within council policy that is apparent at this time is noted in section 5.13 – 5.14 of the draft strategy. The section states
 - “... The relationship between greenhouse gas and emissions of air pollution is, however, complicated by the fact that some measures to replace carbon emissions can increase air pollution. For example, biomass is considered to be carbon neutral and will replace carbon emissions if used to replace boilers that use fossil fuels. However, emissions of NO_x and PM₁₀ from biomass boilers are often much greater than for gas boilers and can result in a decrease in air quality. Similarly, small diesel vehicles are more efficient than petrol vehicles of comparable size but emit more NO_x and PM₁₀.
 - Areas in which policies and measures to tackle poor air quality and climate change clash will therefore need careful consideration to balance benefits and costs.”

Community impact statement

20. The overall objective of improving air quality in Southwark is one that will have positive benefit across Southwark supporting community health and wellbeing generally.
21. While all people who live, work or visit Southwark may thereby benefit from the totality of the initiatives, it is recognised that not all of the measures proposed may be taken up by all members of the Southwark community. This particularly applies where the draft strategy discusses sustainable travel choices, which may not be available to people who have mobility issues.
22. The Strategy is, however, undergoing an Equalities Impact Assessment, the outcome of which will be reported back at the time that the final strategy is considered.

Consultation

23. Section 1(1)(c) of Schedule 11 of the Environment Act 1995 provides that the following must be consulted:
 - (a) The Secretary of State;
 - (b) The appropriate new agency;
 - (c) In England and Wales, the highway authority for any highway in the area to which the review or, as the case may be, the action plan or revision relates;
 - (d) Every local authority whose area is contiguous to the authority's area;
 - (e) Any county council in England whose area consists of or includes the whole or any part of the authority's area;
 - (f) Any national park authority for a national park whose area consists of or includes the whole or any part of the authority's area;
 - (g) Such public authorities exercising functions in, or in the vicinity of, the authority's area as the authority may consider appropriate;
 - (h) Such bodies appearing to the authority to be representative of persons with business interests in the area to which the review or action plan in question relates as the authority may consider appropriate;
 - (i) Such other bodies or persons as the authority considers appropriate. In addition to the above, paragraph 4 of Schedule 11 of the Environment Act 1995 provides that there should be public access for information about the Action Plan.
24. The consultation should last for not less than three months.
25. The proposed round of public consultation on this draft strategy will be advertised in the local media and on the council's web site. It will also be presented at community council meetings throughout February and March 2011. In recognition of the fact that the document is, in parts, necessarily both complex and technical, a non-technical summary of the strategy has been prepared for public consultation purposes.

26. The draft policy will also be re-circulated to all internal partners and neighbouring authorities and we shall directly consult the following bodies:
- Defra;
 - GLA air quality officers;
 - TfL;
 - London councils;
 - Environmental Protection UK;
 - CIEH;
 - Environment Agency;
 - Natural England;
 - SELCHP;
 - Veolia;
 - Southwark NHS and Public Health;
 - Health Protection Agency;
 - Freight Transport Association;
 - Southwark Cyclists;
 - Better Bankside;
 - Team London Bridge;
 - Southwark Friends of the Earth;
 - Chamber of Commerce and
 - Living Streets.

Resource implications

27. The costs of the public consultation exercise can be contained within the service budget for 2010-11.
28. Resource implications arising from development of the proposals contained within the strategy will continue to be considered as these proposals evolve and these will be addressed when the final version is returned to the cabinet for consideration.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Communities, Law & Governance

29. The Strategic Director of Communities, Law and Governance (acting through the licensing and prosecutions section) notes the content of the report.
30. Under section 88(1) of the Environment Act 1995, the Secretary of State for the Environment issued guidance to Local Authorities to have regard to when carrying out their local air management control (LAQM) duties under Part IV of the Environment Act 1995. Section 82 of the Environment Act 1995 requires every Local Authority to review the air quality within its area, both at the present time and in the future. Section 83(1) of the Environment Act 1995 requires Local Authorities to designate an air quality management area where air quality objectives are not being achieved, or are unlikely to be achieved within the relevant timescales, as set out in the Air Quality (England) 2000 Regulations. Once an area has been designated then Section 84 of the Environment Act 1995 requires the Local Authority to carry out an assessment and then develop an Action Plan in line with the requirements of Schedule 11 of the Act for the air quality management area. Section 84(4) of the Environment Act 1995 provides that Local Authorities have to keep their Action Plans up to date. An extensive

consultation process, as specified under section 1(1)(c) of Schedule 11 of the Environment Act 1995, will need to be followed which will have to last for a period of not less than three months..

31. Reference has been made to the Mayor of London's no idling policy. The Road Traffic (Vehicle Emissions) (Fixed Penalty)(England) Regulations 2002 enable local authority Authorised Persons to request vehicle users to switch off engines when parked and to issue Fixed Penalty Notices to those who refuse to co-operate. It is a requirement of Regulation 98 of the Road Vehicles (Construction and Use) Regulations 1986, as amended, that drivers switch off engines in parked vehicles. Fixed penalty fines of £20 can be issued in such instances.
32. As a public authority, the London Borough of Southwark has general and specific equality duties imposed on it under section 49(a) and section 49(d) of the Disability Discrimination Act 1995, section 71 of the Race Relations Act 1976 and under section 76(a) and (b) of the Sex Discrimination Act 1975. The Local Authority must have due regard to these duties when carrying out these functions, which includes making decisions in the current context. An Equality Impact Statement should address all six strands to the council's equality agenda: age, disability, belief and non belief, gender, race, sexual orientation and human rights.
33. The report author refers to a community impact statement; consequently a continuing need has been identified during the assessment. Equality impact assessments are an essential tool to assist councils to comply with our equalities duties and to make decisions fairly. The council's equalities impact assessment process goes beyond our current equalities duties to incorporate religion/belief, sexual orientation and age. The Equalities Act 2010 which introduces additional protected characteristics does not come into effect until April 2011.
34. In relation to contracts above the EU threshold I understand that the measures proposed in the Action Plan would not impact on any existing contracts. However the proposal is that the suggestions forming Measure16 of the draft Air Quality Action Plan would have an impact on new contracts entered into with contractors and that this is something that will have to be born in mind in the future.
35. So far as the impact of the draft air quality action plan on major regeneration areas is concerned, the proposed measures would have to tie in with the contracts to be entered into with contractors in the future and priority areas will have to be identified.
36. No significant risks have been identified.

Finance Director (Env/ET/061210)

37. The head of service has confirmed that any costs of consulting on the proposed policy can be contained within the existing revenue budgets of the division.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Environment Act 1995 Southwark Air Quality Improvement Strategy & Action Plan 2003 etc	Southwark Environmental Health & Trading Standards, The Chaplin Centre, Thurlow Street, London, SE17 2DG	Name: Mrs Kurtikula Read Phone number: 020 7525 5748

APPENDICES

No.	Title:
Appendix A	Draft Southwark Air Quality Strategy and Action Plan 2011
Appendix B	Draft Southwark Air Quality Strategy and Action Plan 2011 – Non Technical Summary

AUDIT TRAIL

Cabinet Member	Councillor Barrie Hargrove, Transport, Environment and Recycling	
Lead Officer	Gill Davies, Strategic Director of Environment	
Report Author	Jonathon Toy, Head of Community Safety and Enforcement	
Version	Final	
Dated	25 January 2011	
Key Decision?	Yes	
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER		
Officer Title	Comments Sought	Comments included
Strategic Director of Communities, Law & Governance	Yes	Yes
Finance Director	Yes	Yes
Cabinet Member	Yes	Yes
Date final report sent to Constitutional Team		25 January 2011