

MAYOR AND CABINET			
Report Title	Draft Air Quality Action Plan 2016 – 2021		
Key Decision	Yes	Item No.	
Ward	All wards however focus on wards north of A205 where Air Quality Management Areas have been declared		
Contributors	Executive Director for Community Services, Executive Director for Resources and Regeneration and the Head of Law		
Class	Part 1	Date:	7 December 2016

1. Summary

- 1.1. An Air Quality Action Plan (AQAP) is required where an Air Quality Management Area (AQMA) is declared, detailing the measures that will be employed to help improve air quality within that area.
- 1.2. An AQMA is needed where air pollution is above the thresholds set by government.
- 1.3. AQMAs have been declared in all wards north of the A205 South Circular together with areas adjacent to certain main roads in the south within the borough, the most recent AQMA was declared in August 2013 within Brockley Park, Crofton Park and Honor Oak Park.
- 1.4. The pollutant that fails to meet the government targets is nitrogen dioxide (NO₂).
- 1.5. Lewisham already has an existing AQAP, which was previously updated in 2008. This new AQAP has been produced to meet requirement where a new AQMA is declared. The AQAP has also been updated to follow recent London Local Air Quality Management guidance produced by the GLA.
- 1.6. There has been an on-line questionnaire for residents and businesses, along with a consultation on the full draft AQAP to statutory consultees (Appendix A).

2. Purpose

- 2.1. The purpose of this report is to provide information on the local authority's statutory requirements with regards to air quality and the proposal for the approval of a draft AQAP 2016–2021 in meeting the Council's statutory requirements.

3. Recommendations

- 3.1. That the Mayor is asked to approve the draft AQAP (Appendix B), which includes recommendations made by the Sustainable Development Select Committee on 25 October 2016.

4. Policy context

4.1. The AQAP supports the following Council Priority:

- Clean, Green and Liveable – improving environmental management, the cleanliness and care for roads and pavements and promoting a sustainable environment.

4.2. The AQAP also support the following Sustainable Community Strategy priority:

- Clean, green and liveable – where people live in high-quality housing and care for and enjoy their environment.

4.3. The AQAP provides actions that work towards the above priorities, promoting sustainable transport infrastructure that supports behavioural change and increasing opportunities for walking and cycling, which is also a goal of Lewisham's Transport Local Implementation Plan (LIP). 'Public health and awareness raising' is one of the action category areas within this AQAP and supports the Health and Wellbeing Strategy. It will have a positive influence on mental health and wellbeing and with lifestyle changes in transport could bring improvements to the level of obesity within the borough. Improving local air quality is also part of the Lewisham Local Development Framework Core Strategy.

5. Background

5.1. European legislation (Directive 2008/50/EC) details the pollutants that occur in ambient air which have the potential to impact on human health. The Directive sets concentration values for each pollutant and a date by which the limit values should be achieved. Failure to meet the limit values by the deadlines can result in fines being levied against an EU member state by the European Commission.

5.2. Local authorities in the UK have a statutory duty to manage local air quality under Part IV of the Environment Act 1995. Following this Act, a National Air Quality Strategy was published in 1997 (reviewed in 2007) and the Air Quality (England) Regulations 2000 set objectives for several pollutants including NO₂. The dates for compliance with limit values in the Air Quality Directive on, EU deadlines, was extended for NO₂, to January 2015. The UK has failed to meet these limit values.

5.3. A European Supreme Court ruling on the Government's breach of NO₂ limits required work on a comprehensive plan to meet pollution limits as soon as possible. The Department of the Environment, Fisheries and Rural Affairs (DEFRA) submitted an Air Quality Action Plan to the European Commission for their assessment at the end of 2015. This provided extra powers to the Mayor of London to manage air quality within London.

- 5.4. The Mayor of London has recently introduced the London Local Air Quality Management (LLAQM) framework, which is the statutory process used by London local authorities to review and improve air quality within their areas and replaces the previous requirement for yearly reporting to DEFRA.
- 5.5. London boroughs are required to refer to the London Local Air Quality Management Policy and Technical Guidance 2016 as issued by the Mayor from time to time, rather than national statutory guidance. This Air Quality Action Plan has followed this guidance including the Air Quality Actions as presented in their Air Quality Action Matrix (Appendix C).
- 5.6. Each local authority has to assess the levels of each air pollutant in the Regulations within its area and compare the levels to the Air Quality Objectives. If the level is below the objective, there is compliance. If the level is above, there is non-compliance and this is called an 'exceedance'.

Pollutant	Air Quality Objective	
	Concentration	Measured as
Nitrogen dioxide	200 µg/m ³ not to be exceeded more than	1 hour mean
	40 µg/m ³	Annual mean
Particulate Matter (PM ₁₀)	50 µg/m ³ not to be exceeded more than 35	24 hour mean
	40 µg/m ³	Annual mean

* See glossary at the end of the report for explanation of terminology

- 5.7. Under Section 83 (1) of the Environment Act 1995, where it is identified that an objective will not be met, and members of the public are exposed to the elevated levels of pollutants, the local authority is required to declare an Air Quality Management Area (AQMA) for the specific pollutants that are exceeding.
- 5.8. Where an AQMA is declared, the local authority is then required to develop an Air Quality Action Plan detailing the measures that will be employed to help meet the air quality objectives within that area.
- 5.9. Five AQMAs were declared in Lewisham in June 2001 in relation to exceedances in Nitrogen Dioxide and PM₁₀, and the further sixth AQMA was declared in 2013 in relation to Nitrogen Dioxide only. These areas cover all the borough above the A205 and areas adjacent to certain main roads in the south.
- 5.10. The main source of the exceedances identified in recent review and assessments is in relation to Nitrogen Dioxide ONLY. PM₁₀ is no longer showing exceedances. With PM_{2.5}, there is no statutory limit but there is however an annual mean objective of 25µg/m³ by 2020 that has been proposed by the government which the Council is meeting. The current Greater London Authority (GLA) guidance requires boroughs however to work towards reducing emissions and concentrations of PM_{2.5} further.

- 5.11. The Council has an existing AQAP that was approved by Mayor and Cabinet in 2008. With the declaration of a sixth AQMA the Council is legally required to update the AQAP. Also the Council is required to follow the recent London Local Air Quality Management guidance. The new AQAP for the period 2016 – 2021, follows this guidance.
- 5.12. The areas of Air Quality Action presented in the GLA guidance are within the following categories:
- Controlling emissions from development and buildings (including construction);
 - The involvement of Public Health and raising public awareness on air quality;
 - Reducing emissions from delivery servicing and freight (including Councils procurement);
 - Reducing our own Borough fleet vehicle emissions; and
 - Actions that encourage and enable transport modal shifts away from conventional car use (with the necessary infrastructure).
- 5.13. Guidance from GLA provides each London borough with Focus Areas; this allows for an enhanced focus on problem areas within a wider AQMA. Some areas have been identified within the AQAP but it is anticipated that further actions will be introduced during the course of the 5 year period as and when funding is made available. The S106, CIL and LIP funding are being considered for resourcing future actions within these Focus Areas.
- 5.14. The Council was successful in a London Mayor Air Quality Funding (MAQF) bid for £200,000 for the production, implementation and monitoring of a Framework Construction Logistic Plan along the Evelyn Corridor. This is to bring reduction in emissions from construction traffic in an area where a lot of development is taking place. It also falls within one of the boroughs designated Focus Areas. This action has been included in the AQAP.
- 5.15. To be successful in any future bids for MAQF money we must maintain our Cleaner Air Borough Status (CABS). The criteria for CABS is grouped under six themes: political leadership; taking action; leading by example; using the Planning system; informing the public; integrating air quality into the public health system. It requires a continued commitment to air quality monitoring.
- 5.16. All of the air quality action areas required consultation across many teams and agreed sign off for the actions being implemented. A steering group with specific working groups was set up review the actions and consider the implementation and monitoring, in line with the GLA guidance. The teams involved were, Transport Planning, Road Safety and Sustainable Transport, Parking, Highways, Planning Policy, Development Control, Sustainable Resources, Procurement and the Public Health.
- 5.17. A full draft AQAP for consultation was sent to the statutory consultees, i.e. GLA, Transport for London (TfL), Environment Agency, Secretary of State (DEFRA) and neighbouring boroughs and details of the responses received are recorded (Appendix A)

- 5.18. Although not statutorily required a resident and business consultation, seeking opinion on relevant aspects of the AQAP was carried out and resulted in 303 completed residents surveys and 9 completed business surveys. (Appendix A).
- 5.19. The Sustainable Development Select Committee met on 25 October 2016 and resolved to advise Mayor and Cabinet of the following:
- The Committee commends the air quality action plan. However, it believes that an additional point should be added to the plan, which tasks Lewisham's political leadership with championing the issue of air quality inside and outside of the borough.
 - The Committee welcomes the proposed increase in charging points for electric vehicles. The Committee recommends that the Council carries out a campaign to encourage usage.
 - The Committee also recommends that there be a proactive and high profile anti-idling campaign, which sets out the importance good air quality to the whole community.
- 5.20. Additional actions have been added to the AQAP, presented in Appendix B to incorporate these recommendations. See Action ID 8A, 28A and 35A. At the committee members also wanted consideration of air quality within the design of developments, particularly in relation to new schools/rebuild. This has been raised with planning and guidance will be reviewed to ensure appropriate consideration.

6. Financial Implications

- 6.1. Costs will be funded from the original budget, but will require additional funding through S106 or CIL and Lip (see glossary for terms). Many of the actions within the Action Plan are transport projects which the Council is already committed too, and where LIP funding has already been allocated. In relation to costs and as an example, the Council has committed cost from LIP to the sum of £2.5 million for the Quietways project, which is identified as a priority area for the Air Quality Action Plan delivering associated air quality improvements; £1.2 million committed costs from LIP for the 20 mph remedial intervention, which has the potential for bringing air quality improvements by reducing congestion. There is in the region of £2 million LIP funding/year of which some projects will provide wider air quality benefits and integration of this Action Plan with LIP is being considered to maximise funding, particularly in the GLA identified Air Quality Focus Areas. The MAQF project along the Evelyn Corridor (see 5.14) is within one of the Air Quality Focus Areas and has been match funded through Transport funding to provide an additional £100,000 over the 3 year period 2016-19.
- 6.2. In relation to other areas of air quality actions to be delivered, the S106/CIL is currently being considered as a potential source of funding, over the five year term of this Action Plan, and with the Mayor and Cabinet approval, will give the necessary political focus required to consider allocation of funds for appropriate actions.

- 6.3. There is also a need to maintain our existing air quality monitoring commitment which requires ongoing maintenance and replacement costs. This is currently partly being covered through the S106 funding process (which is limited to expenditure on monitoring at locations where a large development is taking place), but there has been a bid to the Regeneration and Capital board for a more guaranteed funding stream for replacement of old equipment and for future further air quality monitoring requirements.

7. Legal Implications

- 7.1. Section 82 of the Environment Act 1995 provides that every local authority is under a duty to review the air quality within its area. Section 83 of the 1995 Act requires local authorities to formally designate an air quality management area (AQMA) where air quality objectives are not being achieved, or are not likely to be achieved within the relevant period, as set out in the Air Quality (England) Regulations 2000.
- 7.2. Following designation of an AQMA, an air quality “Action Plan” should be completed. With the newly adopted London Local Air Quality Management process, London Boroughs are to provide Annual Status Reports to the GLA on progress with Air Quality Actions and reporting on air quality monitoring. Previously Progress Reports were submitted to DEFRA.
- 7.3. In the Mayor of London’s Policy Guidance 2016 (LLAQM.PG (16)) it states the following: ‘The establishment of the LLAQM system reflects the fact that the Mayor has broad powers of intervention under section 85 of the 1995 Act... Specifically, under section 85(5), the Mayor may give directions to boroughs requiring them to take such steps specified in the directions as he considers appropriate for the implementation of any European Union air quality obligations (e.g. under relevant EU directives). This is particularly relevant in the context of the current breach of NO₂ air quality objectives and limit values under the EU Ambient Air Quality Directive (2008/ 50/ EC) in parts of London.’ Also the Localism Act 2011, enables the Government, if a fine is imposed on the UK by the European Court of Justice, to require public bodies it considers responsible for the infraction to pay a financial penalty. The Mayor of London’s Policy Guidance states: ‘Proper participation in the LLAQM system and compliance with the relevant Mayoral advice and guidance should render statutory intervention by the Mayor unnecessary.’

8. Crime and Disorder Implications

- 8.1. There are no crime and disorder implications associated with this report.

9. Equalities Implications

- 9.1. The majority of the AQMAs declared are to the north of A205, encompassing all of the north of the borough.
- 9.2. Poor air quality is often associated with areas of deprivation and consequently tends to disproportionately affect the health of the most disadvantaged. There is

no data on the specific households affected by the exceedances of NO₂ within the AQMAs but the Index of Multiple Deprivation suggests that there are many areas to the north of the borough that are deprived which fall within an AQMA.

- 9.3. The AQAP will apply across the areas designated as AQMAs. Measures aimed at tackling poor air quality however tend to have wider benefits and actions introduced will also improve air quality throughout the borough. Therefore, there are no adverse equality implications associated with this report.

10. Environmental Implications

- 10.1. The approval of the Air Quality Action Plan will allow the local authority to fulfil its statutory obligations under the Environment Act 1995 which are aimed at improving air quality.
- 10.2. An Air Quality Action Plan will have positive benefits for the environment. A synergy exists between actions aimed at improving the quality of the air we breathe locally and tackling carbon emissions and improving public health and well-being.

11. Conclusion

- 11.1. Following approval by Mayor and Cabinet, the finalised AQAP will be sent to the GLA and the subsequent actions will be reported on a yearly basis through the Annual Status Report.
- 11.2. The Steering Group set up to compile this AQAP will continue to meet on a 6 monthly basis to ensure the relevant implementation and monitoring of the actions set out in the AQAP are being followed and our statutory obligations are being met. Also this AQAP is a live document and further actions may be included during the 5 yearly period, as funding becomes available, particularly in GLA Air Quality Focus Areas.

GLOSSARY

Particulate Matter – Dust, soot, and other tiny bits of solid materials that are released into and move around in the air. Particulate matter sources include burning of diesel fuels, road construction, and industrial processes. Particulates 10 microns or less in diameter (approximately seven times smaller than human hair) are classified as PM₁₀. PM_{2.5} is potentially more hazardous and is defined as particulate matter smaller than 2.5 microns.

Nitrogen Dioxide – It is a product of combustion, with sources including petrol and diesel fuels. It has a variety of environmental and health impacts. It is a respiratory irritant which may exacerbate asthma and possibly increase susceptibility to infections.

µg/m³ - A measure of concentration in terms of mass per unit volume. A concentration of 1 µg/m³ means that one cubic metre of air contains one

microgram (millionth of a gram) of pollutant.

Annual Mean - The annual mean is the average concentration of a pollutant measured over one year. This is normally for a calendar year.

S106 – Is a funding agreement mechanism, which make a development proposal acceptable in planning terms, that would not otherwise be acceptable.

CIL - Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver to support the development of their area.

LIP – Local Implementation Plan is TfL allocated money to the London boroughs to spend on projects which support the Mayor's Transport Strategy.

Background documents

Appendix A – Summary of Consultation Responses

Appendix B – draft Air Quality Action Plan for Mayor and Cabinet approval

Appendix C – GLA Air Quality Actions included in their Matrix

If there are any queries on this report please contact Christopher Howard, Senior Environmental Protection Officer, at christopher.howard@lewisham.gov.uk or on 020 8314 6418.