

East Herts Council Report

Overview and Scrutiny Committee

Date of meeting: 21 March 2023

Report by: Councillor Graham McAndrew, Executive Member for Environmental Sustainability

Report title: Air Quality in East Herts

Ward(s) affected: All

Summary

- This report aims to address questions raised by members of the Overview and Scrutiny Committee at their last meeting around the council's air quality management areas and air quality action plan.

RECOMMENDATIONS FOR OVERVIEW AND SCRUTINY COMMITTEE:

- a) Members scrutinise the council's work in relation to air quality and more specifically the three air quality management areas so as to consider the extent to which the council is using available resources to have a positive impact on public health, with any comments passed to the Executive Member for Environmental Sustainability; and**
- b) Members scrutinise the council's work in relation to air quality so as to consider the extent to which the council is fulfilling its statutory obligations with regards to the three air quality management areas, with any comments passed to the Executive Member for Environmental Sustainability.**

1.0 Background

1.1 At its last meeting, members of the Overview and Scrutiny Committee requested clarification on the work the council is undertaking to improve air quality in East Herts and revoke the air quality management areas (AQMA) in Bishop's Stortford, Hertford and Sawbridgeworth. Members specifically asked:

- a) is the air quality action plan being followed and is it fit for purpose?
- b) is our website advertising the issues sufficiently to our residents?
- c) are we fulfilling our statutory duties?
- d) have the new housing developments had a negative impact on the existing AQMAs?
- e) have 'Section 106' monies coming from those developments been used as they should have been with regards to air quality?

1.2 This report will address these points and demonstrate the important air quality work being carried out across the council.

1.3 For the purposes of this report, unless stated otherwise, all references to information on our website refer to our dedicated air quality page which can be found here - <https://www.eastherts.gov.uk/environmental-health/air-quality>

2.0 Monitoring air quality in East Herts

2.1 At present, the council has 48 nitrogen oxides diffusion tubes across 34 sites in the district and one fixed continuous air quality monitor in Hertford.

- 2.2 Nitrogen oxides diffusion tubes, also known as 'NO_x tubes', are a cost effective, long-term monitoring option used by local authorities across the UK.
- 2.3 The NO_x tubes have been placed in areas where there are known problems with air quality and areas where there is expected to be large development over the coming years, such as Buntingford. The list of current diffusion tube locations can be found on our website within our air quality Annual Status Report (ASR).
- 2.4 While the ASR also contains data relating to the continuous air quality monitor in Hertford, access to 'live' data from this monitor, along with other data from across Hertfordshire and Bedfordshire can be found on our dedicated website https://www.airqualityengland.co.uk/site/latest?site_id=HB012

3.0 Air Quality Management Areas

- 3.1 An air quality management area (AQMA) is declared for an area where the local air quality is unlikely to meet the Government's national air quality objectives.
- 3.2 Once an AQMA has been declared, the council has to carry out further work to monitor the air quality in the area and identify what action can be taken to improve it. This work then leads to the publication of an Air Quality Action Plan.
- 3.3 The National Air Quality Strategy sets air quality objectives which are designed to protect the health of the public. If these levels are exceeded, health effects could be felt, particularly for those people with certain respiratory health conditions.
- 3.4 There are two air quality objectives for nitrogen dioxide; one to protect residents and others who will be breathing the air for a long time and one to protect visitors who are just passing

through the area.

- a) The long-term objective (for residents) is 40ug/m³ averaged over a year.
- b) The short-term objective (for visitors) is 200ug/m³ averaged over one hour.

3.5 As mentioned above, the council has three AQMAs in the district. One in Bishop's Stortford, one in Hertford and more recently one in Sawbridgeworth.

- a) Bishop's Stortford was the council's first AQMA to be declared back in February 2007. It covers the area in and around Hockerill Junction.
- b) Hertford was the council's second AQMA to be declared back in 2010. It covers the area along and around the A414 (Gascoyne Way) as it passes through Hertford.
- c) Sawbridgeworth was the council's third AQMA to be declared back in 2015. It covers the area along and around the A1184 (London Road) as it passes through Sawbridgeworth.

3.6 Maps and further details outlining the exact areas covered are published on the Department for Environment Food and Rural Affairs (Defra) website, with links to them from our website.

4.0 Air Quality Action Plan

4.1 The council's most recent air quality action plan was published in 2017, with timetable actions running until 2020. This is available on our website and was reviewed regularly during the period leading up to the COVID Pandemic.

- 4.2 The action plan identified 39 individual actions which it was posited would positively impact the air quality in one or more of the AQMAs or more generally improve air quality across the district.
- 4.3 Of the 39 actions, 23 have been confirmed as having been achieved. The remaining actions are under way with our external partners.
- 4.4 The emergence of the COVID Pandemic in 2020 resulted in Environmental Health as a whole, and most definitely in East Herts, being re-tasked to work on local, regional and national COVID-related work given the unprecedented nature of this public health emergency. Unfortunately, one impact of this was that the work on reviewing and refreshing the Air Quality Action Plan had to be delayed and so while this work has now recommenced, the council is currently without a more recently published action plan than the one running until 2020.
- 4.5 Since 2020, work on tackling air quality has in fact continued at pace. More details are outlined in Section 0 below.
- 4.6 As part of the business recovery following the pandemic designed in some ways to 'make up for lost time' on key areas of the Environmental Health workload, the council commissioned a specialist company, Bureau Veritas, in March 2022 to assist with the creation of a new air quality action plan. Their remit was to:
- a)** Undertake a source apportionment exercise to help identify the sources of pollution within the AQMAs and so aid the design of appropriate mitigation actions. Then use this data to inform suitable air quality action measures.
 - b)** Bring external partners together to create a shared action plan which will lead to the revocation of the three air

quality action plans.

4.7 Bureau Veritas have now completed the source apportionment and have begun working with the officers from across the council and our key partners, notably Hertfordshire County Council, to draw up a new action plan. This work is anticipated to be completed during the latter half of 2023/24.

5.0 New Air Quality Action Plan timetable

5.1 As mentioned in Section 0 above, work is now underway on preparing the next Air Quality Action Plan for East Herts. Assuming there are no unexpected delays, it is anticipated that the following timeline can be achieved:

- **By the end of April 2023** – Officers from East Herts Council, Hertfordshire County Council, Bureau Veritas and other key partners will produce a draft action plan.
- **By the end of May 2023** – The draft action plan will be circulated to the public and key partners as part of a consultation exercise.
- **By the end of September 2023** – Overview and Scrutiny Committee will have had an opportunity to consider the final draft action plan and make recommendations to the Executive Member for Environmental Sustainability.
- **By the end of January 2024** – Air Quality Action Plan will be considered by the Executive and with a recommendation to submit the action plan to Defra for approval.

5.2 Once approved by Defra, the Executive Member, through delegated authority from the Executive, will need to formally

adopt the action plan.

6.0 Air quality work since 2020

- 6.1 Since 2020, along with the routine monitoring from the NOx tubes and continuous air quality monitor, the council and key partners have continued to work to improve air quality across the district.

Sustainability Supplementary Planning Document

- 6.2 In March 2021, the council adopted a new Sustainability Supplementary Planning Document (SPD) to provide guidance on the implementation of adopted District Plan (2018) policies related to climate change and sustainable design and construction, to improve the environmental sustainability of new development. The sustainability SPD will be a material consideration in the determination of planning applications and is available on our website -

<https://www.eastherts.gov.uk/planning-building/planning-policy/supplementary-planning-documents>

- 6.3 The Sustainability SPD has a detailed, 25 page chapter on maximising air quality through the development process. The council's work with the Hertfordshire Climate Change and Sustainability group indicates that the SPD is at the 'leading edge' of planning guidance across the county.

Climate change strategy

- 6.4 In July 2019, the council unanimously approved a Climate Change Declaration in recognition of the climate emergency we are all facing. This declaration commits the council to take action to address the causes and impacts of climate change across the district. To support the declaration, the council published its Climate Change Strategy 2022-26 and action

plan.

- 6.5 The Climate Change Strategy lays out how the council, residents, business and other partners can all pull together and help each other make significant and long-lasting improvements to the sustainability of our precious environment, including air quality.
- 6.6 The strategy and action plan are available on our website - <https://www.eastherts.gov.uk/about-east-herts-0/environmental-sustainability/climate-change-strategy-2022-2026>

Seeking external funding air quality work

- 6.7 In July 2022, the government invited local councils across England to bid for funding from a £7 million pot to find innovative ways to improve air quality in their areas. The council submitted a bid to improve knowledge and information about air quality, raise awareness of air pollution as a health issue, and promote alternatives to car travel.
- 6.8 In February 2023, the council received notification that it has been successful in its bid and had been awarded £126,408 to support this work.
- 6.9 The proposed project includes direct engagement with community groups, workplaces and schools to highlight steps which individuals can take to reduce air pollution and their exposure to it.

Supporting the switch to e-vehicles

- 6.10 As part of the council's priority, "sustainability at the heart of everything we do", in December 2022, the council switched its fleet of vehicles from diesel vans to electric cars. This switch

will reduce the council's carbon footprint by nine tonnes per year and will help reduce the impact on air quality from using the vehicles in the town centres and AQMAs.

- 6.11 The council is finalising a major procurement exercise for the design, supply, implementation and support of e-charging infrastructure in our car parks across the district as well as at village hall and parish council sites in more rural locations.
- 6.12 The council works closely with Stansted Airport to help the airport reduce the impact of its operations on the air quality in and around Bishop's Stortford. Notably, conditions applied to the approved 2021 planning permission included the installation of rapid electric vehicle charging points at the airport. Stansted is moving forward with the delivery of an EV charging facility at land off Thremhall Avenue, to the south of the airport. It has been designed to allow for the progressive installation of EV chargers as demand increases, as EV ownership increases. The capacity of the site is for approximately 70 vehicles to lay-over at any one time and if required, for each of those spaces to be served by charging infrastructure.

Promoting cycling

- 6.13 The council is currently working on its Local Cycling and Walking Infrastructure Plan (LCWIP); a transport planning process to identify key networks and concept infrastructure improvements and to prioritise them against set criteria.
- 6.14 The LCWIP enables a long-term approach to improving local cycling and walking networks and form a vital part of national and local government strategy to increase the number of trips made on foot or by cycle.

- 6.15 The council is currently at Stage 1 of 6 and determining the scope of the LCWIP. This will be followed by a review of existing routes and gathering information from completed local studies, followed by the development of a draft plan which will be shared with the public for feedback in 2024.
- 6.16 The final LCWIP will be agreed by both East Herts Council and Hertfordshire County Council in 2024.
- 6.17 The LCWIP will support a wider project being undertaken by Hertfordshire County Council to create a cycle route which ultimately connects Stansted, Bishop's Stortford, Spellbrook, Sawbridgeworth, the proposed Gilston Garden Villages and Hoddesdon.
- 6.18 Hertfordshire County Council has already identified a cycle route for the Stansted - Harlow - Lea Valley and prepared concept designs for the length from Bishop's Stortford to Hoddesdon. As well as providing a safe interurban cycle route it will also enable people within these towns and villages to cycle more easily as part of everyday life.
- 6.19 Relevant County Councillors are being briefed about the designs and the route will be referred to in the forthcoming East Herts Local Cycling and Walking Infrastructure Plan (LCWIP). In due course local people will be invited to shape the proposals further.

Vehicle age and emissions policy for taxis

- 6.20 Since 2019, the council has had a ground-breaking vehicle age and emissions policy for taxis licensed by East Herts Council. The aim of the policy is to improve air quality in and around the town centres.

- 6.21 From 01/04/2023 the policy states all taxis which need to be licenced, both new ones and those renewing their licence, must meet the 'Euro 6' emissions standard.
- 6.22 The council is also currently working with the Hertfordshire Climate Change and Sustainability Partnership (HCCSP) on a county-wide emissions policy which is based on East Herts Council's policy.

Improvements at Stansted Airport

- 6.23 The council works very closely with the airport in relation to air quality matters and makes representations on all relevant planning applications.
- 6.24 Of note, the airport is continuing to work with transport operators, local authorities and the Transport Forum as part of the Section 106 commitments to contribute to kick start funding to services and the investment in newer vehicles. By encouraging staff to travel via public transport and improving the service to get to the airport, there is a continued notion that this will result in less traffic using Hockerill Junction.
- 6.25 Stansted Airport had achieved a public transport mode share of above 51% which is one of the best in the UK and Europe. Some examples of their work, provided by Stansted Airport, include their long-term partnership with Arriva in developing the 510/509/508 services that operate Harlow – Sawbridgeworth – Bishop's Stortford - Stansted Airport. They have grown this service which was an hourly Monday to Saturday services that operated 7am to 7pm, to now operating 24 hours a day, 7 days a week, up to every 12 minutes. They have also contributed to new Euro 6 vehicles. Not only does this provide connections to the airport, but also significantly benefit the local area as provides high frequency, low emissions connections for people connecting between Harlow

and Bishop's Stortford.

- 6.26 Stansted Airport have also introduced strict criteria for taxis requiring all vehicles to be under three years old.

Promoting air quality to residents

- 7.1 The council's website has a dedicated air quality page which can be found here - <https://www.eastherts.gov.uk/environmental-health/air-quality>. The page contains information about air quality and the council's AQMAs as well as links to useful information.
- 7.2 In addition to the website, the council will use its social media platforms to promote air quality initiatives such as clean air day and successful bids for grant money.
- 7.3 To help those who may be more susceptible to higher levels of pollution because of respiratory health conditions, the council, along with others in Hertfordshire and Bedfordshire promotes an air pollution alert system which residents can subscribe to via a link on our website. If pollution levels are forecast to be moderate or high, they will receive an alert, so they can plan their day / journey to avoid these areas.

8.0 The impact of development on the AQMAs

- 8.1 When developing the council's District Plan in 2018, the cumulative impact of development on the allocated sites was investigated. This predicted no undue air quality pressures as a result of the Plan, once factors such as anticipated traffic patterns, improving vehicle emission standards and the likely uptake of alternatives to car use were taken into account.
- 8.2 Applications for major development across the district, and all development in the AQMAs must submit an air quality

assessment as planning policy expects the applicant to demonstrate how the proposal would have at least a neutral, if not a positive, impact on local air quality. Redesigns and mitigations can be insisted upon as a condition of planning consent in line with both national guidance and the more stringent air quality guidance found in the council's Sustainability Supplementary Planning Document.

- 8.3 As outlined in paragraph 10.5 below, the levels of pollution around the Hockerill junction in Bishop's Stortford (our second AQMA), have continued to decrease, despite the increased development in and around Bishop's Stortford.
- 8.4 Members will also note that through the council's District Plan we are not only addressing air pollution through good quality infrastructure, public transport and encouraging people to walk and cycle rather than drive, we are also helping people to become fitter and healthier.

9.0 Use of 'Section 106' financial contributions

- 9.1 Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as 'Section 106' agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. Section 106 agreements are often referred to as 'developer contributions' along with highway contributions and the Community Infrastructure Levy.
- 9.2 Where appropriate the council will seek Section 106 financial contributions from developers to help mitigate the impact of any development or require specific infrastructure to be provided as part of the development.

- 9.3 As part of the Bishop's Stortford North development, the developer will pay £20,000 towards monitoring and mitigation measures in Bishop's Stortford. This is payable prior to the occupation of the 1,000th dwelling, which is anticipated in early 2024. This funding will feed directly into the new Air Quality Action Plan.
- 9.4 Other Section 106 financial contributions have been earmarked for projects such as new pathways and cycle route from Bishop's Stortford North to the town centre via Castle Park.
- 9.5 Section 106 financial contributions relating to sustainable transport, have been identified and are collected and allocated by Hertfordshire County Council.
- 9.6 Further Section 106 final contributions are expected from the Harlow and Gilston Garden Town development which was considered by the Development Management Committee at the end of February 2023.

10.0 Current state of play

- 10.1 Aside from the obvious and devastating health impacts of the COVID Pandemic, there was a significant change to the way people work during this time. The lockdowns and restrictions on movement saw an increase in home-working and thereby decrease in traffic. This renders any monitoring data for this period relatively useless when monitoring long-term trends.
- 10.2 In the year following the lifting of the pandemic restrictions, as people settle into new working practices, the monitoring data is also unreliable for making any long-term predictions on the future of the AQMAs.

- 10.3 Data we obtain from the 2022 monitoring will be important in showing us the impact of everyone's new working arrangements (largely working from home). This data is likely to be available late summer 2023.
- 10.4 Air quality data for 2017-2021 can be found in **Appendix A, B and C** to this report. It should be noted that to revoke an AQMA, the council needs three years or more data showing NO₂ levels consistently below 36 ug/m³, that is, there is a consistent record of air pollution being at least 10% *below* the national objective of 40 ug/m³. Although emissions have continued to drop during the pandemic, it is prudent to assess whether lower levels pertain *after* pandemic before seeking to revoke an AQMA.

Air quality in Bishop's Stortford AQMA

- 10.5 From the data in Appendix A, members will note that of the four main junctions, one (Stansted Road) has been consistently below the national Air Quality Objective of 40 ug/m³ since 2017, with Hockerill Street also fluctuating just above and below the national Air Quality Objective.
- 10.6 From the source apportionment undertaken by Bureau Veritas, we believe the main contributor is diesel passenger cars.
- 10.7 Hertfordshire County Council have also recently announced that because of significant abuse of traffic regulations in Bishop's Stortford causing clogging of the junctions and unnecessary congestion, they will be applying for legal powers for cameras to monitor motorists turning left or right out of Adderley Road into The Causeway in Bishop's Stortford for "moving traffic offences". It will be the first location in Hertfordshire to be the subject of "unattended camera

enforcement" under the powers.

Air quality in Hertford's AQMA

- 10.8 From the data in **Appendix B** members will note four of the six NO_x tube monitoring sites have been consistently below the National Air Quality Objective of 40 ug/m³ since 2017.
- 10.9 It is likely that improving emission levels from cars, changes to commuting patterns due to the pandemic and efforts to making greener travel without using a car (for example, the improvements the pedestrian underpasses under Gascoyne Way) have all contributed to the drops in air pollution.
- 10.10 Once NO₂ readings following the pandemic are available, the case for revoking this AQMA will be considered in line with the requirements set out in paragraph 10.4 above.

Air Quality in Sawbridgeworth's AQMA

- 10.11 From the data in Appendix C, members will note that the NO₂ levels have been gradually falling since 2016, with levels along parts of London Road now below the National Air Quality Objective of 40 ug/m³ in around 2018.

11.0 Conclusion

- 11.1 To conclude, the council has and continues to work with key partners to undertake a wide range of activities aimed at improving air quality. Additionally, where the opportunity arises, the council will aim to bid for external funding to support this work.
- 11.2 With regards to the question from members as to whether the air quality action plan is being followed and is it fit for purpose, members will note from the information in Sections

4.0, 5.0 and 6.0 above that the air quality action plan is currently being refreshed and during this interim period, the council continues to strive to improve air quality across East Herts.

- 11.3 With regards to the question from members as to whether our website is advertising the issues sufficiently to our residents Section 7.0 above outlines how the council uses the website and social media platforms to promote air quality.
- 11.4 With regards to the question from members as to whether we are fulfilling our statutory duties, members will note from the report that our statutory duty with regards to air quality and AQMAs is being fulfilled through the production of an air quality action plan and the wide range of activities being undertaken by the council and key partners.
- 11.5 With regards to the question from members as to whether the new housing developments have had a negative impact on the existing AQMAs, Section 8.0 above outlines the council's assessment of this and evidence from Bishop's Stortford's AQMA which supports this position.
- 11.6 With regards to the question from members as to whether 'Section 106' financial contributions coming from developments have been used as they should have been with regards to air quality, Section 9.0 above sets out the position that, where possible, Section 106 financial contributions are being used to improve air quality.

12.0 Reason(s)

- 12.1 Given the salience of sustainability in the council's Corporate Plan and the potential health impacts of poor air quality, it is appropriate and timely for the Overview and Scrutiny Committee to review the work guided and overseen by the

Executive Member for Environmental Sustainability regarding air quality.

13.0 Options

- 13.1 Within the context of continuing financial pressures on the council, scale back or cease work on air quality – NOT RECOMMENDED as the declaration of AQMAs requires the council to work with partners to reduce pollution levels. Arguably, only continued work to produce a refreshed Air Quality Action Plan and seek external funding for projects will enable the council to play its part, alongside Hertfordshire County Council, national government and local communities and people, will enable the council to build on the air quality gains seen to date. A corollary of this is that there would be little in future for the Overview and Scrutiny Committee to consider.
- 13.2 Continue with ad hoc work on air quality without renewing the Air Quality Action Plan – NOT RECOMMENDED as although this approach would likely see some benefits, the opportunities for joined-up working and the bringing together of actions could be lost. The Overview and Scrutiny Committee could continue to review actions from time-to-time.
- 13.3 Refresh the Air Quality Action Plan as discussed in this report and continue with joined-up actions – RECOMMENDED. The Overview and Scrutiny Committee could consider progress on a periodic basis.

14.0 Risks

- 14.1 There is a risk to health from inaction on air pollution in the district.

- 14.2 There is a reputation risk to the council if it were considered not to be taking the problem of air pollution seriously.
- 14.3 There is a financial risk as failure to work with all interested parties and communities on the prevention of air pollution could ultimately led to higher cost interventions, such as road closures, road pricing and the like, being required to reduce air pollution.

Implications/Consultations

Community Safety

No

Data Protection

No

Equalities

Yes – Poor air quality can disproportionately impact people with particularly protected characteristics, notably disabled people with long-term health conditions such as asthma and chronic obstructive pulmonary disease (COPD) and older people who are more likely to have such disabilities.

Environmental Sustainability

Yes – The work identified in this report will improve environmental sustainability.

Financial

No

Health and Safety

No

Human Resources

No

Human Rights

No

Legal

The declaration of AQMAs requires the council to work with partners to reduce pollution levels.

Specific Wards

No

Background papers, appendices and other relevant material

16.1 Background Information:

16.2 Appendices

Appendix A – NO₂ levels at Hockerill Junction, Bishop's Stortford Air Quality Management Area

Appendix B – NO₂ levels Gascoyne Way, Hertford Air Quality Management Area

Appendix C – NO₂ levels London Road, Sawbridgeworth Air Quality Management Area

Contact Member

Councillor Graham McAndrew, Executive Member for Environmental Sustainability. graham.mcandrew@eastherts.gov.uk

Contact Officer

Jonathan Geall, Head of Housing and Health, Tel: 01992 531594
jonathan.geall@eastherts.gov.uk

Report Author

Paul Thomas-Jones, Service Manager (Environmental Health), Tel:
01992 531491. paul.thomas-jones@eastherts.gov.uk