

East Herts Council Non-Key Decision Report

Date: 7 October 2024

Report by: Tim Hoskin – Executive Member for Environmental Sustainability

Report title: Adoption of the council’s Air Quality Action 2024 – 2029 following formal approval by the Department for Environment, Food and Rural Affairs (DEFRA)

Ward(s) affected: All

Summary

- At its meeting of 13th February 2024, the Executive delegated to the Executive Member for Environmental Sustainability the authority to formally adopt the council’s Air Quality Action Plan 2024 – 2029 pending formal approval by DEFRA.
- As approval of the action plan was made as a key decision by the Executive, the formality of adopting the already approved plan is now being taken as a non-key decision.

RECOMMENDATIONS FOR DECISION: That the Executive Member for Environmental Sustainability, acting under authority delegated by the Executive on 13th February 2024:

(A) Adopts the council’s Air Quality Action Plan 2024 – 2029.

1.0 Proposal(s)

1.1 Formally adopt the council’s Air Quality Action Plan 2024 – 2029 now that the version approved by the Executive on 13th February 2024 has been formally approval by DEFRA.

2.0 Background

2.1 At its meeting of 13th February 2024, the Executive delegated to the Executive Member for Environmental Sustainability the authority to formally adopt the council’s Air Quality Action Plan

2024 – 2029 pending formal approval by DEFRA.

- 2.2 As approval of the action plan was made as a key decision by the Executive, the formality of adopting the already approved plan is now being taken as a non-key decision.

3.0 Reason

- 3.1 If a council finds air pollution in a locality to be in excess of national target levels – as defined under Part IV of the Environment Act 1995 (as amended) – it is required to declare an air quality management area (AQMA) and produce a detailed action plan to tackle that pollution.
- 3.2 East Herts Council has declared three AQMAs – Bishop’s Stortford AQMA at Hockerill junction, Hertford AQMA at Gascoyne Way and Sawbridgeworth AQMA at London Road and Cambridge Road. See the Air Quality Action Plan at Appendix A for more details.
- 3.3 Following extensive consultation, at its meeting of 13th February 2024, the Executive approved, as a key decision, the council’s Air Quality Action Plan 2024 – 2029. It is a required stage of the adoption process that the council’s approved plan must be formally approved by Defra. This is essentially a formality as Defra contributed to and informally agreed the draft action plan prior to its presentation to the Executive for approval and required no changes following approval by the Executive.
- 3.4 At the same meeting, the Executive delegated to the Executive Member for Environmental Sustainability the authority to formally adopt the council’s Air Quality Action Plan 2024 – 2029 once Defra’s formal approval had been received. Defra have provided this approval and so this non-key decision records the formality of adopting the action plan already approved by the Executive.
- 3.5 It is interesting to note that while there are some 236 councils in the UK with AQMAs in place, each of which requiring an Air Quality Action Plan, East Herts Council is one of just 14 local authorities cited by DEFRA as having produced a best practice plan – see the DEFRA best practice webpage [here](#).

4.0 Options

- 4.1 Not adopt the Air Quality Action Plan despite it having been approved by the Executive pending the formality of Defra approval – NOT RECOMMENDED as Defra required no amendments at all to the version approved by the Executive and so there can be no rationale for not now adopting it.
- 4.2 Seek Executive approval of a revised version of the action plan – NOT RECOMMENDED as the plan was subject to extensive consultation which the Executive took into account when approving the plan.

5.0 Risks

- 5.1 There is a risk to health from inaction on air pollution in the district.
- 5.2 There is a reputational risk to the council if it were considered not to be taking the problem of air pollution seriously.
- 5.3 There is a financial risk as failure to work with all interested parties and communities on the reduction of air pollution could ultimately lead to higher cost interventions, such as road closures, road pricing and the like, being required to tackle the problem.
- 5.4 There is a risk of DEFRA imposing financial penalties on the council for failing its statutory duty by not having an up-to-date Air Quality Action Plan.

6.0 Implications/Consultations

- 6.1 The drafting of the Air Quality Action Plan 2024 – 2029 was subject to extensive consultation with the public, partners and elected members.

Community Safety

None arising directly from this report.

Data Protection

None arising directly from this report.

Equalities

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. Thus, efforts to improve air quality are likely to have significantly beneficial impact on people with this protected characteristic.

Environmental Sustainability

The actions list in the action plan will improve environmental sustainability.

Financial

There are no direct financial implications arising from consideration and ultimate adoption of the Air Quality Action Plan. Of course, should specific actions then be followed, there would in some cases be quite considerable financial implications; any future proposals with significant revenue and/or capital implications for the council will be put to members for consideration at the time.

Health and Safety

None arising directly from this report.

Human Resources

None arising directly from this report.

Human Rights

None arising directly from this report.

Legal

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

- b) Under section 83A of Part IV of the Environment Act 1995, as amended by the Deregulation Act 2015 – Part 4 of Schedule 13, once an AQMA has been designated the district council should prepare an AQAP that sets out how it will achieve the air quality standards or objectives for the area that the AQMA covers. The district council should provide information on the timescales for the achievement of measures that it can take under the powers that it has. Relevant powers and mechanisms include environmental health functions and land use planning. This proposed AQAP fulfils this duty.

Specific Wards

Although focused on the wards with AQMAs – Bishop’s Stortford Central, Hertford Castle and Sawbridgeworth – the council’s work to raise awareness of the issue of air pollution and take steps to curtail it applies across the district.

Appendices

Appendix A – the council’s Air Quality Action Plan 2024 – 2029.

7.0 Background papers, appendices and other relevant material

Contact Member

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