



Democratic Services

Location: Phase II
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Ref: CMD 293

**To: COUNCILLOR IAN EDWARDS
LEADER OF THE COUNCIL**

**COUNCILLOR MARTIN GODDARD
CABINET MEMBER FOR FINANCE**

**COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR ENVIRONMENT,
HOUSING AND REGENERATION**

c.c. All Members of the Environment, Housing & Regeneration Select Committee
c.c. Dan Kennedy, Corporate Director for Planning, Environment, Education and Community Services
c.c. Nikki Wyatt, Planning, Environment, Education and Community Services
c.c. Val Beale, Planning, Environment, Education and Community Services
c.c. Conservative and Labour Group Offices (inspection copy)

Date: 01 October 2021

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22: Implementation of Hillingdon's Air Quality Action Plan (2019-2024).

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Monday, 11 October 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Jack Roberts
Democratic Services Apprentice

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22: Implementation of Hillingdon's Air Quality Action Plan (2019-2024).

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

SignedDate.....

*Leader of the Council, Cabinet Member for Finance, Cabinet Member for Environment,
Housing and Regeneration*

NEW ALLOCATION OF S106 CONTRIBUTIONS 2021/22: Implementation of Hillingdon's Air Quality Action Plan (2019-2024).

Cabinet Member(s)	Councillor Ian Edwards Councillor Martin Goddard Councillor Eddie Lavery
Cabinet Portfolio(s)	Leader of the Council Cabinet Member for Finance Cabinet Member for Environment, Housing and Regeneration
Officer Contact(s)	Val Beale – Planning, Environmental, Education and Community Services Nicola Wyatt – Planning, Environment, Education and Community Services
Papers with report	None.

HEADLINES

Summary	To seek approval to allocate funds from the s106 contributions currently held at s106 case references towards the projects outlined in the report as part of the Council's Air Quality Action Plan 2019-2024.
Putting our Residents First	The report supports the Council objectives of strong financial management.
Financial Cost	This report seeks to allocate £143,462 from identified s106 contributions held by the Council towards the implementation of the Council's Air Quality Action Plan, as outlined in the report
Relevant Select Committee	Environment, Housing and Regeneration Select Committee
Relevant Ward(s)	All

RECOMMENDATION

That the Leader of the Council, the Cabinet Member for Finance, and the Cabinet Member for Environment, Housing and Regeneration approve a total of £143,462 from the S106 air quality contributions held by the Council to be allocated and used towards the implementation of the Council's Air Quality Action Plan (2019-2024).

Reasons for recommendation

As per the Constitution, the allocation of Section 106 (S106) and Section 278 (S278) funds is required to be formally approved by the Leader of the Council and the Cabinet Member for Finance on a case-by-case basis. This report requests the approval for the S106 funds held at the case reference detailed in this report to be committed as outlined in this report.

Alternative options considered / risk management

The Cabinet Members may agree to fund the scheme and / or suggest alternative projects to which funds could be allocated within the terms of the relevant legal agreements. If the S106 funds are not allocated to an appropriate scheme, the unspent funds may need to be refunded.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

1. Planning obligations, or S106 agreements, are an established mechanism for mitigating planning effects arising from development proposals. The agreements are usually negotiated within the context of planning applications, between Local Planning Authorities and persons with an interest in the piece of land (owners, leaseholders or developers). They are intended to make development acceptable, which would otherwise be unacceptable in planning terms.
2. Any S106 monies generated from planning agreements must be spent on their intended purpose and that the associated development contributes to the sustainability of the area by addressing the impacts of the development proposals. As a result, expenditure of S106 funds must relate to a specific development and must be in accordance with the corresponding legal agreement. If a contribution is not used for the intended purpose or not spent within the period allocated in the S106 agreement, the monies may need to be returned.
3. In July 2008, the Council adopted a Supplementary Planning Document (SPD) for Planning Obligations which outlined the Council's approach, policies and procedures in respect of planning obligations. This document has been replaced by the Updated Planning Obligations SPD (adopted in July 2014) which reflects the introduction of Hillingdon's Community Infrastructure Levy (CIL). The original SPD is, however, still relevant for contributions negotiated before the introduction of CIL on 1 August 2014 and provides stakeholders with a fair, transparent and predictable basis for the implementation of S106 agreements. Details of the financial planning obligations held by the Council and the progress being made in their allocation and implementation are reported to Cabinet on a quarterly basis through the 'Planning Obligations Financial Monitoring Report.' The purpose of this report is to further assist in providing a transparent approach to the allocation of S106 funds.

Planning Background – developer obligations taken towards the Borough's Air Quality Strategy

4. There are areas of the Borough that suffer from levels of pollution above the national European Union Health Limits. Due to these levels of pollution, and as part of its statutory local air quality management duties, Hillingdon declared an Air Quality Management Area (AQMA) across the bottom two thirds of the Borough and developed an Air Quality Action Plan (AQAP) which includes measures to both monitor and improve local air quality. The AQAP has been recently reviewed (2019-2024) and the objectives are to:
 - a. improve the areas of poorer air quality as soon as possible; and
 - b. to continue to improve air quality across the Borough and reduce public exposure to air pollution especially for vulnerable groups within our communities such as the young, the old and those already suffering with associated respiratory illnesses.
5. The s106 contributions referred to in this report were taken in relation to planning applications located within the AQMA and associated within areas where the air quality is particularly poor. In addition, it was also considered that the developments as proposed would lead to an increase in pollutants or would have an adverse impact on the Council's objectives to improve air quality within the local area.
6. In accordance with the Council's Supplementary Planning Document on Planning Obligations 2008, the following obligations may be sought to improve air quality:
 - Use of low emission fuel technology and other measures to minimise emissions;
 - Tree and other planting where directly relevant to mitigating the impact of emissions;
 - Restrictions on certain types of vehicles, improvements to highways junctions to smooth traffic flows;
 - Use of cleaner fuels for energy and heating;
 - Use of combined heat and power and community heating systems where appropriate; and
 - Any other appropriate measures to meet the objectives of the Air Quality Action Plan and/or a financial contribution towards the monitoring and implementation of air quality management measures in the Authority's area.

In some cases, air quality monitoring may be required to ensure these standards can be met and maintained. As such contributions towards the establishment and ongoing maintenance of this may be required if necessary.

7. Officers are requesting that the S106 air quality contributions currently held by the Council and listed in table 1 below, are allocated and spent towards the projects outlined in this report, which are to be implemented as part of the Council's Air Quality Action Plan 2019-2024 (AQAP 20219-2024).

Table 1 - Details of S106 contributions

	CASE REF.	PLANNING REFERENCE		PROJECT
1	E/104/371C	272-276 Bath Rd, Hayes 464/APP/2014/2886	25,000.00	Monitoring air quality action plan
2	E/102/360B	Fmr Unitair Centre, Great South West Rd, Feltham, 49559/APP/2014/334	26,000.00	Healthy streets/ NRMM/Monitoring air quality action plan
3	E/85/300D	Fmr Powergen Site, North Hyde Gardens, Hayes 13226/APP/2012/2185	24,537.00	Air quality schools programme/Air quality focus areas
4	E/121/404E	The Gatefold Building, land east of the former EMI site, Blyth Rd, Hayes 51588/APP/2011/2253	27,888.00	Monitoring air quality action plan
5	E/142/441C	297 Long Lane, Hillingdon 4860/APP/2018/3719	40,037.00	Expert technical support/Raising awareness/Green infrastructure
		TOTALS	143,462.00	

Implementation of the Borough Air Quality Action Plan

8. The Council's Air Quality Action Plan (AQAP) has been updated in accordance with the Mayor of London's London Local Air Quality Management regime. The Plan has incorporated new pollution information including the concept of air quality focus areas. The focus areas are where the pollution levels are predicted to be the highest in the Borough and where there is relevant significant public exposure. It is important to reduce pollution exposure as soon as possible in these areas. It is important that the monitoring of air pollution is continued across the Borough to identify where pollution levels are improving, where the levels remain static or where there may be a worsening of levels. This allows the Council to adjust its actions accordingly.
9. With medical evidence highlighting the detrimental health impacts arising from exposure to air pollution, there is also a recognised need to not only gain improvements just where air quality is currently poor. With this in mind, the Air Quality Action Plan includes measures to gain improvements across the whole Borough to bring about the added health benefits gained by having better air quality.
10. Officers are therefore requesting that funds from the S106 air quality contributions outlined in the table above are allocated towards the implementation of the projects outlined below, in line with the recommendations made in the Council's Air Quality Action Plan. Some actions will be match funded with the Borough LIP funds and where this is relevant this is noted.

Project 1 - Compliance with the non-road mobile machinery regulations (NRMM) (Action Plan measure 3)

11. Construction sites, and in particular the types of plant equipment used on major sites, accounts for elevated levels of the pollutants nitrogen oxides and fine particulate matter. To tackle the issue of the Non-Road Mobile Machinery (NRMM) on construction sites the

Mayor of London has imposed a NRMM Low Emission Zone across London with minimum standards set for the equipment used on the major construction sites. It is a requirement for London Boroughs, via their Air Quality Action Plans (AQAP), to ensure this policy is properly enforced.

12. There is a specific NRMM planning condition which is applied to all relevant developments, however, there is also the requirement to ensure this is being adhered to. Funds were released by the Mayor of London to participating local authorities, which includes the London Borough of Hillingdon, to set up Cleaner Construction for London to carry out audit compliance checks for NRMM at each participating Borough.
13. A selection of the major construction sites in each participating authority were audited throughout the year. Where non-compliance issues were found, the officers worked with the construction site managers to work towards compliance as soon as possible.
14. The cost will ensure the participation of the Council in the Cleaner Construction for London enforcement scheme for the year 2021/2022.

The cost is £4,000

Project 2 - monitoring the effectiveness of the Air Quality Action Plan (Action Plan measure 1)

15. The London Local Air Quality Management regime requires the Council to monitor and assess air pollution in their areas, and, where this is above the recognised levels set for health, to put in place an Air Quality Action Plan to address the issues.
16. The Air Quality Action Plan 2019-2024 was adopted in May 2019. The monitoring strategy across the Borough has been informed by a review and the updated monitoring network will help to assess the effectiveness of the actions taken by the Council and other partner organisations to improve air quality. The results will be reported each year and provide a trend over time to assess where pollution levels are reducing and where there may be no improvements or a worsening and allow the Council to adjust its actions accordingly.
17. The cost includes the continuation of the air quality monitoring stations at strategic locations across the Borough and the updated diffusion tube network for 2021/2022. As the Council is required to keep the public informed of the monitored levels of pollution and to track progress of the implementation of the Air Quality Action Plan, the costs also include the reporting of the pollution results and the progress of the implementation of the Action Plan in the formal submission to the Mayor of London on an annual basis.

The cost for 2021/22 is £55,000

Project 3 - Expert evaluation and implementation of the Air Quality Action Plan - Borough-wide (Action Plan measures 1, 9, 19, 20)

18. The implementation of the Council's Air Quality Action Plan (2019-2024) requires specialist technical advice to quantify the impacts of pollution in the Borough, identify trends from

monitoring data, identify measures that can be taken to improve air quality, and develop policies that will secure improvements to local air quality levels, with the overall aim of improving health and wellbeing.

19. Securing the appropriate technical advice is therefore essential to fully implement the projects outlined in the Council's AQAP as required by the Planning Obligations SPD (2014). This support includes expert data analysis to enable the Council to identify the key priority areas in the Borough for action and meet its objective of *improving the areas of poorer air quality as soon as possible* (AQAP, 2019-2024). This proposed allocation is sufficient to secure technical support for the implementation of the AQAP for the year 2021/2022.

The total cost is £30,000

Project 4 - Prioritising Air Quality Focus Areas (Action plan measure 19)

20. Air quality modelling from the Greater London Authority (GLA) has identified several air quality focus areas within the London Borough of Hillingdon. Air quality focus areas are identified as places where the air quality is poor, there is public exposure, and actions to improve air quality should be prioritised. There are currently 11 separate focus areas in Hillingdon. The Council is expected to report annually to the GLA on the measures undertaken and the improvements made.

21. This project will look at the following Air Quality Focus Area:

- Harlington High Street

22. The project will examine the existing conditions and identify a package of measures to improve the local air quality. It will identify measures for immediate implementation as well as those for the medium and long terms to ensure the benefits are locked in.

23. The original request for £10k has been reduced to £9k as funding has been found from other non-council resources. It has the additional benefit of providing firm evidence for further funding via a Transport team bid, made in conjunction with the HS Property Group (HSPG), to Highways England to secure £250k for a cycle lane between Heathrow and Hayes via Harlington High Street. This would have the benefit of providing a sustainable means of transport for airport workers

Cost - £9,000

Project 5 - Provision of Green infrastructure at Hayes and Harlington Station (Action Plan measure 18)

24. The Council promotes the use of public transport hubs for sustainable travel. Ensuring the journey to and from such hubs is a clean environment is a key aim of the Healthy Streets initiative. Well placed green infrastructure can help to improve the air quality in the local area. The Hayes area is a declared Air Quality Focus Area. The work of the Town Centre team has provided enhancement to the public realm, especially in the linkages to the Crossrail station via the subway. This costed project adds to this work by providing

additional green infrastructure around the station area where there is likely to be significant footfall. The additions enhance the Healthy Streets Index of this area.

25. The project will provide a low maintenance community green space with species to help improve air quality. This will also improve the overall customer experience for passengers using the underpass to access train services, complementing the bespoke light/sound public art installation which has been commissioned for the underpass itself.

Cost - £8,000

Project 6 - Raising awareness (Action Plan measure 12)

26. This project will ensure the Council continues with the provision of the airTEXT pollution alert system for residents. It will also ensure that the Council meets the requirement for the provision of publicly available data, including the requirement for an annual status report on air quality monitoring trends and action taken.

Cost - £2,000

Project 7- Healthy Streets Improvements (Action Plan measure 20)

27. The provision of a healthy streets approach is a key objective of Mayor's Transport Strategy. The approach focuses on creating streets that are pleasant, safe and attractive, where noise, air pollution, accessibility and lack of seating and shelter are not barriers that prevent people from getting out and about. This project will identify the key streets within the Borough where pollution levels are highest and the healthy streets index is low and provide an implementation plan for actions to improve the Healthy Streets index, especially in areas where the air quality is poor.

Cost - £20,000

Project 8 – Air quality in schools (Action Plan measure 14)

28. Improving air quality and raising awareness of pollution issues around schools is a key priority of the AQAP. Significant work has been undertaken in 2020/2021 to provide green barriers and additional trees at schools where school play areas were identified as being in close proximity to the road with no protection from exposure to road emissions.
29. In 2020/2021 a pilot project was undertaken to complement the barrier work with educational workshops on air pollution, its effects and actions for improvement. Schools in the higher pollution areas were prioritised for the pilot project. The workshops linked pollution with active travel and gave pupils an insight into how their travel behaviour could help improve air quality. The pilot was successful, with all 10 schools recommending the workshops to other schools.
30. This project would bring the workshops to a further 16-20 schools, this time being delivered within the school environment, restrictions allowing. Implementing actions from the workshops has been linked with the school's travel plans and integrated into the STARS accreditation system.

Cost - £15,000

31. The table below provides a summary of the amount of S106 funds to be allocated towards the air quality schemes outlined in this report.

Air Quality Action Plan	
Description	Amount (£'s)
Project 1 - Compliance with the non-road mobile machinery regulations (NRMM) (Action Plan measure 3)	4,000
Project 2 - monitoring the effectiveness of the Air Quality Action Plan, including annual reporting to the GLA on progress (Action Plan measure 1)	55,000
Project 3 - Expert evaluation and implementation of the Air Quality Action Plan - Borough-wide (Action Plan measures 1, 9, 19, 20)	30,000
Project 4 - Prioritising Air Quality Focus Areas (Action plan measure 19)	9,000
Project 5 - Provision of Green infrastructure at Hayes and Harlington Station (Action Plan measure 18)	8,000
Project 6 - Raising awareness (Action Plan measure 12)	2,000
Project 7 - Healthy Streets Improvements (Action Plan measure 20)	20,000
Project 8 – Air Quality in Schools	15,000
Contingency	462
Total	£143, 462

Financial Implications

The report requests the allocation of £143, 462 from five S106 contributions detailed in the table below:

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
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E/85/300D	Former Powergen Site, North Hyde Gardens, Hayes	25,000	N/A
E/102/360B	Former Unitair Centre, Great South West Road, Feltham	26,000	N/A
E/104/371C	272-276 Bath Road, Hayes	24,537	N/A
E/121/404E	The Gatefold Building, Blyth Road, Hayes	27,888	Apr-24
E/142/441C	297 Long Lane, Hillingdon	40,037	Dec-26
Total S106		£143,462	

The S106 funds are proposed to be utilised towards implementation of the Council's Air Quality action plan within the Borough as detailed throughout the report.

The S106 contributions will be accounted for under the S106 funded revenue projects. Utilising the S106 towards the Air Quality action plan will reduce the call on Council resources.

If the S106 contributions held at E/121/404E and E/142/441C are not spent on their intended purpose of improving Air Quality within the Borough by the stipulated deadline, the funds will need to be returned to the developer as per the S106 agreements.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon residents, service users and communities?

The recommendations will enable external funds to be spent to maximum effect to provide viable improvements for the benefit of local communities.

Consultation carried out or required

Not required

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance concurs with the financial implications above, noting that the Air Quality Action Plan will be funded from developer contributions in accordance with the planning obligation agreements, with no impact on Council resources.

Legal

Legal Services have considered the content of the section 106 agreements referred to in this report and concludes that the recommendations presented are consistent with the terms of the respective agreements.

Infrastructure / Asset Management

There are no Infrastructure /Asset Management implications arising from the recommendations in this report.

Comments from other relevant service areas

The scheme has been developed in consultation with relevant service groups as appropriate.

BACKGROUND PAPERS

Planning Obligations Quarterly Monitoring Report to Cabinet March 2021

Planning Obligations Supplementary Planning Document Adopted July 2008 and amended July 2014.