



Democratic Services

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To: **COUNCILLOR MARTIN GODDARD**
CABINET MEMBER FOR FINANCE

COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR RESIDENTS SERVICES

c.c. All Members of the Residents Services Select Committee
c.c. Val Beale / Nicola Wyatt, Place Directorate
c.c. Perry Scott, Corporate Director of Place

Date: 26 October 2022

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: 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 Thursday 03 November 2022** 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.

Neil Fraser
Democratic Services

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23:
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.....

Cabinet Member for Finance / Cabinet Member for Residents Services

NEW ALLOCATION OF S106 CONTRIBUTIONS 2022/23: IMPLEMENTATION OF HILLINGDON'S AIR QUALITY ACTION PLAN (2019-2024)

Cabinet Member(s)	Councillor Martin Goddard Councillor Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Finance Cabinet Member for Residents Services
Officer Contact(s)	Val Beale / Nicola Wyatt, Place
Papers with report	NIL

HEADLINES

Summary	To seek approval to allocate funds from the s106 contributions currently held at s106 case references E/110, E/122, E/133, E/125, E/134, E/141/ E/136, E/137 & EA/003 towards the implementation 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 £165,000 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	Residents' Services
Relevant Ward(s)	All
Portfolio Member approval	Councillor Eddie Lavery

RECOMMENDATION

That the Cabinet Member for Finance, in conjunction with the Cabinet Member for Residents' Services, approve that a total of £165,000 from the s106 air quality contributions held by the Council is allocated and used towards the implementation of the Council's Air Quality Action Plan (2019-2024).

Reasons for recommendation

In accordance with the Council's Constitution, the allocation of Section 106 (s106) and Section 278 (s278) funds is required to be formally approved by the Cabinet Member for Finance on a case-by-case basis – and any capital release, in conjunction with the relevant Cabinet portfolio holder. This report requests the approval for the s106 funds held at the case references 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, an outcome that does not contribute to the councils' responsibility for protecting and improving the health of our citizens.

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 ensure 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.

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

3. There are areas of the Borough adversely impacted by 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 the Borough affected by poorer air quality as soon as possible; and
- b. 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.

4. The s106 contributions referred to in this report were taken in relation to planning applications located within the AQMA and are associated with 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.

5. 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. Therefore, contributions towards the establishment and ongoing maintenance of this may be required if necessary.

S106 allocation

6. Officers are requesting that funds from 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 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
E/133/423C	1 Nobel Drive, Harlington, Hayes 46214/APP/2014/2827	19,652.00	Greener cycling/Expert determination/ Belmore Parade Project
E/125/409D	Fmr Contractor's Compound, South of Swindon Road, Heathrow Airport 67622/APP/2013/2532 & 67622/APP2015/1651	15,000.00	Greener cycling
E/134/424B	Land at Onslow Mills, Trout Road, West Drayton 1724/APP/2016/3513	12,871.38	AQA monitoring/ Air text
E/141/434C	30-32 Blyth Road, Hayes 68974/APP/2018/2146	46,922.96	AQA monitoring
E/136/430C	Randalls 7-9 Vine St, Uxbridge 41309/APP/2016/3391	13,146.71	Expert determination
E/137/443B	Renaissance London Heathrow Hotel, Bath Road 12004/APP/2018/2720	12,500.00	Expert determination
E/122/406	23 Stonfield Way, South Ruislip 25508/APP/2014/3570	15,355.00	Air Quality in Schools
E/110/384E	Caxton House, Trout Road, Yiewsley 3678/APP/2013/3637	25,508.00	Belmore Parade Greening Project
EA/003/565	53-55 The Broadway, Joel Street, Northwood 5564/APP/2020/847	4,043.67	NRMM
	TOTALS	164,999.72	

Implementation of the Borough Air Quality Action Plan

7. 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 is on areas 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.

8. With medical evidence highlighting the detrimental health impacts arising from exposure to air pollution, there is a recognised need to gain improvements not solely in areas where air quality is currently poor, but also, implement measures set out in the Air Quality Action Plan that leads to improvement across the whole Borough, and subsequently the added health benefits gained from having better air quality.

9. 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)

10. Construction sites, and in particular the types of plant equipment used on major sites, account 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 and fully enforced.

11. There is a specific NRMM planning condition which is applied to all relevant developments, and 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' which requires audit compliance checks for NRMM to be carried out at each participating borough.

12. 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.

13. The cost will ensure the participation of the Council in the Cleaner Construction for London enforcement scheme for the year 2022/2023.

The cost is £4,000.

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

14. The London Local Air Quality Management regime requires the Council to monitor and assess air pollution in their Borough 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.

15. The Borough 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, where there may be no improvements or a worsening position and allow the Council to adjust its actions accordingly.

16. The cost includes the continuation of the air quality monitoring stations at strategic locations across the Borough plus the updated diffusion tube network for 2022/2023. 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 2022/23 is £56,000.

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

17. 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, 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.

18. 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 2022/2023.

The total cost is £30,000.

Project 4 – Greener Walking and Cycling Routes (Action Plan measure 25)

19. The Hillingdon Air Quality Action Plan (2019-2024) has a priority objective to "promote the use of greener walking and cycling routes". The use of enhanced green infrastructure to create greener walking and cycling routes away from the most polluted areas and roads is providing an integrated approach to reducing exposure to pollution and to promote healthier lifestyles, whilst also improving air quality by providing a zero-emission alternative to the use of the car.

20. This project will identify up to 6 potential green routes across the Borough with a costed implementation plan. This will provide the evidence base for seeking approval for further funding releases for implementation.

The cost is £25,000.

Project 5 - Raising awareness (Action Plan measure 12)

21. This project will ensure the Council continues with the provision of the airTEXT pollution alert system for residents and 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.

The cost is £2,000.

Project 6 – Air quality in schools (Action Plan measure 14)

22. Improving air quality and raising awareness of pollution issues around schools is a key priority of the AQAP. Significant work has been undertaken in last few years to provide green barriers and additional trees at schools where school play areas were identified as being near the road with no protection from exposure to road emissions.

23. In 2021/22, following a successful pilot project involving the development of educational workshops on air pollution, its effects and actions for improvement, these workshops were delivered across 16 schools in the Borough. Implementing actions from the workshops are linked

with the school's travel plans and integrated into the STARS accreditation system. This project will allow the further rollout of the workshops to schools in 2022/2023

The cost is £15,000.

Project 7 – Belmore Parade/Uxbridge Road Greening Project (Action Plan measure 18)

24. Hillingdon Council's Strategic Climate Action Plan, adopted in July 2021, provides the framework for how the Council intends to rise to the challenge of being carbon neutral by 2030 and includes the commitment to support urban greening initiatives and the planting of new trees across the Borough. Trees and other vegetation planted in the right places can help improve urban air quality on a local scale by forming a barrier between people and pollutants. They also remove some particulate pollution from the air by catching the tiny particles on their leaf surfaces.

25. This project proposes landscaping enhancements to the shopping parades along the Uxbridge Road in Hayes focusing on the area from outside Lidl (the Warren) 482 Uxbridge Road to Warley Road encompassing Belmore Parade and contributing toward improved health benefits for people who live, work and shop along this stretch of the busy A4020 Uxbridge Road. The works will include

- 21 Ground level planting beds to include 200 2-litre plant species and a mulch layer.
- 19 Rectangular trough style planters to be planted with 124 2-litre stipa grasses.
- 28 Large ceramic tree planters to be planted with a mix of Scots Pine and Silver Birch trees which are good natural purifiers.
- An upgraded irrigation system which will ensure that the new landscaping and trees continue to thrive even during extreme weather conditions.

26. Officers are requesting the allocation of £33k from the s106 air quality contributions held by the Council, towards the costs of the project related to planting specific trees chosen for their pollution reducing qualities that will contribute to improving air quality for people using this area.

The cost is £33,000.

27. 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)	56,000
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 – Greener Walking & Cycling Routes (Action plan measure 25)	25,000
Project 5 - Raising awareness (Action Plan measure 12)	2,000
Project 6 – Air Quality in Schools (Action Plan measure 14)	15,000
Project 7 – Belmore Parade/ Uxbridge Road Greening Project (Action Plan measure 18)	33,000
Total	£165,000

Financial Implications

The report requests the allocation of £165,000 from nine s106 contributions as detailed in the table below:

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
E/110/384E	Caxton House, Trout Road, Yiewsley	25,508	N/A
E/122/406	23 Stonefield Way, South Ruislip	15,355	N/A
E/125/409D	Fmr Contractor's Compound, South of Swindon Road, Heathrow Airport	15,000	Dec-23
E/133/423C	1 Nobel Drive, Harlington, Hayes	19,652	N/A
E/134/424B	Land at Onslow Mills, Trout Road, West Drayton	12,871	N/A
E/136/430C	Randalls, 7-9 Vine Street, Uxbridge	13,147	N/A
E/137/433B	Renaissance London Heathrow Hotel, Bath Road	12,500	N/A
E/141/434C	30-32 Blyth Road, Hayes	46,923	Apr-26
EA/003/565	53-55 The Broadway, Joel Street, Northwood	4,044	Nov-28
Total s106		£165,000	

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/125/409D is not spent on the intended purpose of improving Air Quality within the Borough by the stipulated deadline of December 2023, the funds may need to be returned to the developer with interest as per the s106 agreement. This outcome does not uphold the council's responsibility to take action to protect and improve residents health.

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 schemes have been developed in consultation with relevant service groups as appropriate.

BACKGROUND PAPERS

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