



Democratic Services

Location: Phase II

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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. Nicola Wyatt / Peter Elliot-Smith, Place Directorate

c.c. Perry Scott, Corporate Director of Place

c.c. All Councillors

Date: 01 November 2022

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2022/23: Environmental and Recreational Initiatives – School Pollution Screening Project Phase 5 (Release No 1)

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 Wednesday 09 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.

Liz Penny
Democratic Services Officer

Title of Report: NEW ALLOCATION OF S106 CONTRIBUTIONS & CAPITAL RELEASE 2022/23: Environmental and Recreational Initiatives – School Pollution Screening Project Phase 5 (Release No 1)

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 & CAPITAL RELEASE 2022/23: Environmental and Recreational Initiatives – School Pollution Screening Project Phase 5 (Release No 1)

Cabinet Member(s)	Councillor Martin Goddard Councillor Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Finance Cabinet Member for Residents Services
Officer Contact(s)	Nicola Wyatt – Place Directorate Peter Elliot Smith – Infrastructure, Transport & Building Services
Papers with report	Appendix A with capital release requests for approval

HEADLINES

Summary	To seek Cabinet Member approval to allocate and release £116k from the s106 air quality contribution held at EA/001/327H for the procurement of pollution screening works through Green Spaces and appointed contractors in relation to anti-pollution measures at 13 schools across the Borough.
Putting our Residents First	The report supports the Council objective of <i>Strong Financial Management</i> .
Financial Cost	This report seeks the release of £116k from the s106 air quality contribution held by the Council at EA/001/327H for the construction works, fees and contingency costs of the scheme. The Capital Programme Works Service will manage the project. The project will commence upon release of the capital funds and works are due to be completed before March 2023.
Relevant Select Committee	Residents' Services Select Committee
Relevant Ward(s)	All

RECOMMENDATIONS

- 1) That the Cabinet Member for Finance approves the allocation of £116k from the s106 contribution held at EA/001/327H towards phase 5 construction works associated with pollution screening at 13 schools across the Borough, as part of the Council's Environment and Recreational Initiatives Project 2022/23; and

- 2) That the Cabinet Member for Finance and the Cabinet Member for Residents Services approve the capital release request of £116k towards the scheme as set out in Appendix A.

Reasons for recommendations

The proposed anti-pollution measures at schools related to the Schools Environmental Audit aim to reduce exposure of air pollution levels at schools to children for proven health benefits.

In accordance with the Council 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 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

Purpose of Planning Obligations

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.

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

3 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.*

4 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.

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

Proposed S106 allocation

6 Officers are requesting that £116k from the s106 air quality contribution currently held by the Council at EA/001/327H is allocated and spent towards the project outlined below in this report, as part of the Council's Environment and Recreational Initiatives Project 2022/23. The project is also in accordance with the Council's Air Quality Action Plan 2019-2024. If approved, this will leave a balance of £124,842 from the contribution available to be allocated to another eligible scheme.

School Pollution Screening Project (Phase 5) - (Air Quality Action Plan Measure 14)

7 The 'Right green infrastructure, right place guideline' published by the Greater London Authority provides best practice on using green infrastructure to protect people from air pollution (April 2019). The key guidelines are:

- A hedge or green wall between vehicles and people can as much as halve pollution in their immediate wake;
- A dense avenue of trees can provide effective protection from polluted air above and create a clean corridor for travellers; and
- A combination of hedge and dense line of trees can provide a taller vegetation barrier, offering protection over a greater distance downwind.

8 Following completion of phase 3, it was agreed that the programme should be offered to a wider selection of schools across the Borough, some amendments were made to the identification

of schools which allows us to hit a given target. A new criteria for identifying schools was based on the following:

- A review of pollution levels in the locality of the school, based upon information from the Mayor of London;
- A Geographic Information System (GIS) review took place to assess whether there is close proximity to a road, is there any existing screening protection, is it adequate, is there scope for further screening;
- Type of school, e.g., community school, academy, voluntary aided, etc.; and
- Then, undertake augmentation works at every school that falls within the criteria above where air NO₂ average levels exceed 32 µg/m³.

9 The Council's Environmental Team identified 25 more schools that fall within the criteria above and where pollution screening measures would be beneficial. It is agreed that the works could be staggered over two phases, 4 & 5.

10 With consultation of phase 5 schools now complete, works are on target to commence in the Autumn of 2022. The project now seeks capital release to commence the works at the remaining schools detailed in the table below.

Proposed Works

Phase 5 Schools

11 Phase 5 will target works at a final 13 schools. Following phase 5 every primary / infant / special requirement school in the Borough that fall above the 32 µg/m³ NO₂ levels would have been targeted for augmentation works.

Establishment Name	Age group	Type of Establishment
Oak Farm Primary School	Primary	Community
John Locke	Primary	Academy
St Matthew's CofE Primary	Primary	Voluntary Aided
Wood End Park Academy	Primary	Academy
St Martin's CE Primary	Primary	Voluntary Aided
Lake Farm Park	Primary	Academy
Laurel Lane Primary	Primary	Academy
Brookside Primary	Primary	Academy
Belmore Primary	Primary	Academy
St Mary's Catholic Primary	Primary	Voluntary Aided
Dr Triplett's CE Primary	Primary	Voluntary Aided
St Bernadette Catholic Primary	Primary	Voluntary Aided
Nanaksar Primary	Primary	Free school

Works are to be undertaken predominantly utilising Council resources with the Green Spaces team, the highways framework and term fencing contractor.

Programme

12 Target completion for phase 5 of the works will be winter 2022. All green and willow screening works can commence on capital release approval. However, due to planting seasons, the planting of vegetation cannot take place until the autumn of 2022 with completion taking place before 2022/23 year end.

Costs

The estimated costs can be found in Table 1.

Table 1: Estimated costs for phase 5 pollution screening works

Description	Estimated Costs (£)
Construction Costs at 13 schools	92,770
Planning and Site Surveys	5,000
Capital Programme Fees (10%)	9,277
Contingency (10%)	9,277
Total	£116,324

Financial Implications

Environmental & Recreational Initiatives Programme 2022/23 Budget £652k, Previously Released £152k, Capital Release Requested £116k – Appendix A

The 2022/23 capital programme, approved by Cabinet and Council in February 2022, includes a budget of £500k for Environmental & Recreational Initiatives (ERI) earmarked for pollution screening scheme. In July 2022, Cabinet approved the re-phasing of £152k unspent funds from 2021/22 into 2022/23, which had been previously released for schemes completing this year.

The report seeks the release of £116k funding from the Environmental & Recreational Initiatives Budget to enable the progress of the phase 5 pollution screening works at 13 schools across the Borough. This release is eligible to be financed from s106 air quality contributions reducing the call on Council resources.

The scheme will be funded from the s106 air quality contribution held at EA/001/327H relating to the development of land at Phase 3 Stockley Park, Stockley Road, West Drayton. The contribution has no time limit to spend.

The remaining £384k of the ERI 2022/23 budget is available for further pollution screening schemes and is subject to the capital release process.

RESIDENT BENEFIT & CONSULTATION

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

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

Consultation carried out or required

Appropriate consultation to be carried out as part of individual project development.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate finance concurs with the above financial implications, noting that the proposed pollution screening works are eligible for financing from Section 106 air quality contributions with no impact on Council resources.

Legal

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

In procuring any of the services required for the scheme, officers must ensure that they observe the Council's Contract and Procurement Standing Orders.

Infrastructure / Asset Management

Asset Management authored this report.

Capital Release Protocol

The release of all capital funds, and certain revenue funds, held by the Council is to be made by a formal democratic decision. No expenditure can be placed or committed by officers until this formal approval is given by Democratic Services. Release of funds must be for identified projects only and strictly not for the general release of funds for projects to be identified at a later date. No block releases of capital or funding will be allowed, except if authorised by the Leader of the Council in advance to Corporate Finance. The release of funds will only be made if previous Council, Cabinet or Cabinet Member agreement has been given to the project and only if there is an approved budget.

BACKGROUND PAPERS

Planning Obligations Supplementary Planning Document 2014

APPENDIX A - CAPITAL RELEASE REQUESTS FOR APPROVAL

Environmental & Recreational Initiatives 22/23: Schools Pollution Screening Phase 5 (Release No 1)

Location	Project / Expenditure Title	Information	Funds Release Sought £000's	Approve	Hold	More Information Required
13 Schools as identified in the report	Environmental & recreational Initiatives 2022/23 - Provision of pollution Screening Phase 5	Project to be funded from s106 contribution EA/001/327H	116			
Total seeking release			116			
Previously released			152			
Budget			652			
Remaining budget			384			