



Democratic Services

Location: Phase II

Ext: 7655

DDI: 01895 277655

CMD No: 1308

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

c.c. All Members of the Corporate Resources and
Infrastructure Select Committee

c.c. Ana Grossinho – Place Directorate

c.c. Nicola Wyatt - Place Directorate

c.c. Karrie Whelan – Corporate Director of Place

c.c. All Ward Councillors

Date: 29 January 2025

Non-Key Decision request

Form D

NEW ALLOCATION OF S106 CONTRIBUTIONS 2024/25: IMPLEMENTATION OF HILLINGDON'S AIR QUALITY ACTION PLAN (2019-2024) and (2024-2029)

Dear Cabinet Members,

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 6 February 2025** 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.

Anisha Teji
Democratic Services

Title of Report: New Allocation of S106 Contributions 2024/25: Implementation of Hillingdon's Air Quality Action Plan (2019-2024) and (2024-2029)

Decision made:

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

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

Signed Date.....

Cabinet Member for Finance & Transformation

NEW ALLOCATION OF S106 CONTRIBUTIONS 2024/25: IMPLEMENTATION OF HILLINGDON'S AIR QUALITY ACTION PLAN (2019-2024) and (2024-2029)

Cabinet Member & Portfolio	Councillor Martin Goddard - Cabinet Member for Finance & Transformation
Responsible Officer	Karrie Whelan Corporate Director of Place
Report Author & Directorate	Ana Grossinho / Nicola Wyatt Place Directorate
Papers with report	None

HEADLINES

Summary	To seek approval to allocate funds from the s106 contributions currently held at s106 case references E/141/434C, EA/004/569B, EA/012/568D & EA/014/579B towards the implementation of the Council's Air Quality Action Plan 2019-2024 and 2024-2029.
Putting our Residents First Delivering on the Council Strategy 2022-2026	<p>This report supports our ambition for residents / the Council of: Live in a sustainable borough that is carbon neutral</p> <p>This report supports our commitments to residents of: A Green and Sustainable Borough</p>
Financial Cost	This report seeks to allocate £53,972 from identified s106 contributions held by the Council towards the implementation of the Council's Air Quality Action Plan, as outlined in the report
Select Committee	Resident Services Select Committee
Ward(s)	All

RECOMMENDATIONS

That the Cabinet Member for Finance & Transformation, approves that a total of £53,972 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) and (2024-2029).

Reasons for recommendation(s)

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. 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 Member 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.

Democratic compliance / previous authority

The Cabinet Member for Finance has the delegated authority to allocate funds from S106 planning obligation monies.

Both the Cabinet Member for Community & Environment and the Cabinet Member for Planning, Housing & Growth have been consulted and endorse the proposal.

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 Local Action Plan

3. There are areas of the Borough adversely impacted by levels of pollution close to or above the national objectives. 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 published in 2019

with actions and measures spanning from 2019 to 2024 and is currently under internal consultation to be updated for the period 2024-2029. The objectives of the London Borough of Hillingdon Local Action Plan 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 children, senior citizens, and those already suffering with associated respiratory and cardiovascular illnesses.

4. The s106 contributions referred to in this report were taken in relation to planning applications located within the AQMA and or within sensitive areas of the Borough namely within Focus Areas (Focus areas are highly dense populational areas within the Borough where air quality is poor – see Figure 1). Actions to be deployed are therefore 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 annual pollutant emissions 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 2014, 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.

Air quality monitoring is key to ensure the Borough is aware of hot spot areas and trends at specific sensitive locations and that standards set to safeguard human health are met and maintained. Therefore, contributions towards the ongoing monitoring sites and further extension of existing locations to capture unmonitored areas is required to meet the borough statutory duties.

Proposed 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 current Council's Air Quality Action Plan 2019-2024 (AQAP 2019-2024) and the upcoming Council's Air Quality Action Plan 2024-2029 (AQAP 2024-2029).

Table 1 - Details of S106 contributions

CASE REF.	PLANNING REFERENCE	Allocation	PROJECT
EA/004/569B	579-583 Uxbridge Road, Hayes 72470/APP/2016/4648	21,893.43	Diffusion Tubes Monitoring
EA/012/586D	The Crane PH, Watersplash Lane, Hayes 11026/APP/2018/3361	24,067.80	Diffusion tube monitoring/ NRMM/ Anti Idling project
EA/014/579B	The fmr Star PH, Star Road, Uxbridge Road, Uxbridge 8057/APP/2019/3861	3,148.79	Anti Idling/Air text
E141/434C	30-32 Blyth Road, Hayes 68974/APP/2018/2146	4,861.98	Air text
	TOTALS	53,972.00	

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.

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. Between 2019 and 2022, the Pan London NRMM Project Team engaged more than 600 principal contractors and completed over 2000 site audits across London. The number of in-scope machines which were inspected during this period was close to 6000, which represents a significant reduction in emissions, estimated at 42% for PM, 36% for NOx and 11% for CO₂.

14. The standards will become tighter beginning of 2025, as set out in the original plan when the scheme was first introduced in 2015. From 1st January 2025 the Central Activities Zone (CAZ), Opportunity Areas and Greater London zones will no longer have different emission standards. NRMM on all sites within Greater London will be required to meet Stage IV as a minimum. The requirement for generators will continue to be Stage V.

15. Therefore, the NRMM project, of which LBH is a participating Local Authority, will continue to support individual site operators and construction companies and check that they comply with the emission standards set by the Mayor of London reducing emissions and improving local air quality.

16. The cost will ensure the participation of the Council in the Cleaner Construction for London enforcement scheme for the years 2023/2024 (retrospective), 2024/2025, 2025/2026, 2026/2027.

The cost is £16,000 (£4,000 per year).

Project 2 - Anti-Idling Project (Action Plan Measure 21)

17. London Borough of Hillingdon is a participating Local Authority of the Mayor's Air Quality Fund (MAQF)-funded pan-London Anti-Idling Project; there are 21 participating borough partners (the Borough Partners).

18. The goals and objectives for this project are to deliver a) Business, fleet operator and driving instructor engagement and training, b) Policy, guidance and enforcement improvement work, through collaboration, knowledge and information sharing involving all participating boroughs, c) Public awareness and behaviour-change campaign, implemented through borough comms channels and wider advertising mechanisms on vehicle engine idling, air pollution & the impacts on health, and steps for prevention/reducing exposure, and d) Research project (exposure/impacts of vehicle engine idling inside vehicles).

19. London Borough of Hillingdon will be i) monitoring project implementation, and reporting on progress within our borough including project risks, ii) coordinating with project designated training consultant in planning, implementing, monitoring and reporting of fleet/driving instructor training, iii) supporting designated research consultant in planning, implementing, monitoring and reporting of research project, iv) dissemination of shared anti-idling enforcement policy and overseeing training, v) monitoring and reporting on borough anti-idling enforcement, vi) engagement with TFL/GLA on common signage and support for enforcement, and vii) engaging

comms units for adaptation of comms material, dissemination of comms messages, and monitoring and reporting on implementation of comms.

20. The cost will ensure the participation of the Council in the Anti-Idling Project for the years 2024/2025, 2025/2026, 2026/2027.

The cost is £10,000 (3-year period).

Project 3 - Diffusion Tube monitoring network (Action Plan measure 1)

21. 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.

22. The Borough Air Quality Action Plan 2019-2024 was adopted in May 2019. The monitoring strategy across the Borough includes a diffusion tube monitoring network at 44 locations (please see Figure 2) which complements the continuous monitoring sites to help in assessing the effectiveness of the actions taken by the Council and other partner organisations to improve air quality. Given the much lower cost of the diffusion tube monitoring method when compared with the automatic monitoring network within LBH, a wider geographical area is being systematically monitored using this widely used technique. This is a standard method used by UK Local Authorities. It is key to secure continuity of data collection for trend analysis and fulfilment of the Council's reporting obligations to GLA, under the London Local Air quality Management policy and technical guidance¹.

23. The results will be reported each year in the Annual Status Report to GLA 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.

24. The cost includes:

- a) **the purchase and chemical analysis of diffusion tubes** for the continuation of the air quality monitoring diffusion tube network for 2024/2025 stations at strategic locations across the Borough, (£2,975.04). This will enable the purchase diffusion tubes with associated chemical laboratorial analysis to give continuity to the London Borough of Hillingdon Air Quality Diffusion Tube Monitoring network. This comprises:
 - i) Monthly supply of 49 air quality monitoring diffusion tubes for nitrogen dioxide (NO₂). As part of the LBH Air Quality Action Plan statutory duties, passive diffusion tube monitoring of NO₂ is being carried out monthly at 44 sites in the borough, covering both background and roadside locations, supplementing the information generated by the automatic network. Two of the diffusion tube sites are co-located with continuous monitoring sites to derive local bias adjustment factors: HILL03 (using triplicate tubes) is co-located with Hillingdon 1 in South Ruislip automatic monitoring site (HI1); and HILL01 (using triplicate tubes) is co-located with London Hillingdon automatic monitoring site (HIL). In addition, a blank tube is used to measure any impurities that may be absorbed during transport and handling of the monthly batch to be deducted

from reported monthly values. Therefore, a total of 49 units are to be supplied every month over the next 12-month period.

- ii) Chemical laboratorial analysis and reporting of NO₂ monthly concentration values for each diffusion tube. These are prepared using the 50% Triethanolamine (TEA) in acetone method. Gradko International follows the procedures set out in the Practical Guidance. LBH has been using this method for over 10 years and will need to keep the same method to secure consistency and comparability of annual pollution trend results. Gradko is a UKAS accredited laboratory and participates in the AIR-PT Scheme (a continuation of the Workspace Analysis Scheme for Proficiency (WASP)) for NO₂ tube analysis and the annual Field Inter-Comparison Exercise. These provide strict performance criteria for participating laboratories to meet, thereby ensuring NO₂ concentrations reported are of a high calibre. The lab follows the procedures set out in the Harmonisation Practical Guidance.
- b) **the deployment and collection of diffusion tubes** (for location see Figure 2), as per required schedule, and sending for laboratorial analysis. Each month each monitoring location needs to be visited by the contractor's team to collect the previous month diffusion tubes and deploy new diffusion tubes to collect exposure levels during the following month. The contractor needs to robustly collect and deploy diffusion tubes as well as follow best practice as per Defra's guidelines so that data capture and quality continue to be secured across LBH air quality monitoring network. This will enable the monthly management of diffusion tubes for the period 1st July 2024 to 30th June 2025 to give continuity to the London Borough of Hillingdon Air Quality Diffusion Tube Monitoring network.
- c) **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 for 2024/2025.

25. The cost will ensure the delivery of Measure 1 of the Local Action Plan for the period 2024/2025 – please see Table 2 below).

Table 2 – Summary of costs. of project 3 per item for 2024/2025 financial year.

Project sub-categories	2024/2025
a) Purchase and chemical analysis of diffusion tubes	£2,975.04
b) Monthly management of the DTs (deployment and collection of diffusion tubes, sending to Lab)	£9,996
c) Annual Reporting (ASR)	£9,000
TOTAL	£21,971.04

Project 4 - AirText compliance and raising awareness (Action Plan measure 12)

28. This project will ensure the Council continues with the provision of the airTEXT pollution alert system for residents and schools 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 £6,000 (£2,000 per annum for 3 year)

29. 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)	16,000
Project 2 - Anti-Idling Project (Action Plan Measure 21)	10,000
Project 3 – Diffusion Tube Monitoring Network (Action Plan Measure 1)	21,972
Project 4 - AirText compliance and raising awareness (Action Plan measure 12)	6,000
Total	53,972

Financial Implications

The report requests the allocation of £53,972 from four S106 contributions as detailed in the table below:

S106 Funding Reference	Scheme	Amount	Time Limit to Spend
E141/434C	30-32 Blyth Road, Hayes	4,862	Feb-28
EA/004/569B	579-583 Uxbridge Road, Hayes	21,893	N/A
EA/012/568D	The Crane PH, Watersplash Lane, Hayes	24,068	Sep-29
EA/014/579B	The Fmr Star PH, Corner of Star Road & Uxbridge Road, Uxbridge	3,149	Oct-29
Total s106		£53,972	

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.

The allocation of the S106 contributions meets the conditions stipulated in the S106 agreements.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon 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 & Engagement carried out (or required)

Not required

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance concurs with the financial implications above, noting that the projects detailed above with a total cost of £54k 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 to approve £53,972 from identified s106 contributions held by the Council towards the implementation of the Council's Air Quality Action Plan, are consistent with the terms of the respective agreements.

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 2015

FIGURES

Figure 1 – London Borough of Hillingdon Focus Areas 2024

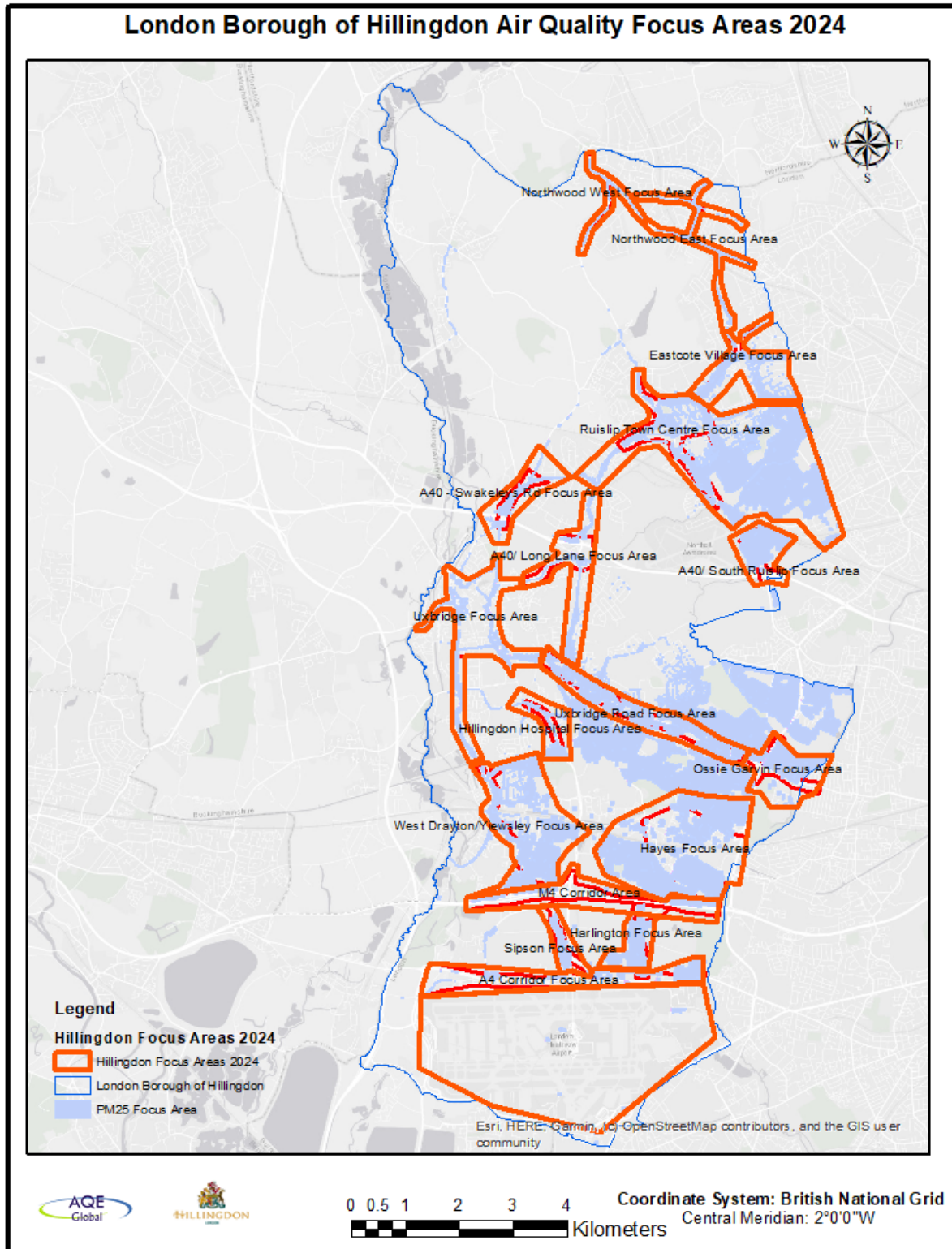


Figure 2 – Location of London Borough of Hillingdon Air Quality Diffusion Tube Monitoring Network

