

# **Report to Stronger Place Select Committee**

**Date of meeting: 9 December 2019**



**Portfolio:** Commercial & Regulatory Services (Councillor A. Patel)

**Subject:** Local Air Quality - Vehicle Emissions

**Officer contact for further information:** J. Nolan (01992 564083)

**Democratic Services Officer:** V. Messenger (01992 564265)

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## **Recommendations/Decisions Required:**

**That the Committee note the position with regard to the enforcement of current legislation relating to air quality.**

1. This report explains the role and responsibilities that officers have in respect of air pollution caused by vehicle emissions as requested by the Overview and Scrutiny Committee at its meeting on 16 July 2019. This covers monitoring, enforcement and education and awareness.
2. Local Air Quality Management (LAQM) places a statutory requirement on local authorities to assess their districts and identify areas of elevated air pollution. This is a staged approach designed to be reviewed yearly to ensure that any changes, such as new developments and changes to traffic are considered and reviewed appropriately.
3. Under Local Air Quality Management, the Public Health Team are responsible for monitoring Air Quality and identifying areas in the district of elevated air pollution. Where elevated concentrations are identified, the Council must declare an Air Quality Management Area (AQMA) and put in place the required actions to bring about a reduction in concentrations to below the objective level in the shortest possible time period. These actions are published in an Air Quality Action Plan document which is submitted to DEFRA for approval and which form the basis of strategic decisions informed by the Local Plan. Whilst the Council will want to improve air quality throughout the district generally, the purpose of the Air Quality Action Plan is to bring about the necessary improvements to air quality within the AQMAs.
4. The Epping Forest District has one AQMA – Bell Common where concentrations are elevated here due to the volumes of vehicles, and the start stop nature of the traffic due to the traffic lights. The solution is not straightforward, and each option will have wider implications. As such an update of the Councils Action Plan document which will consider options for improving the air quality at Bell common is currently on hold, pending an outcome of the Local Plan and in particular the issues around the Epping Forest Special Area of Conservation (SAC).
5. In terms of identifying areas of poor air quality in the district caused by vehicle emissions, the Public Health team have set up monitoring sites that measure nitrogen dioxide by passive diffusion tubes to provide monthly average concentrations. This is a DEFRA approved method for measuring vehicle pollution and the results are reported on each year. Defra consider our results and proposals to ensure that we are acting appropriately to monitor concentration levels and move to bring about the required

reductions.

6. The Public Health Team undertake a review of all monitoring sites on an annual basis to ensure that the areas included in the monitoring programme are appropriate. Additional sites may be set up where further monitoring is considered necessary to better understand the distribution of pollution in a particular area, or where we have concerns about potentially elevated concentrations of pollution through information provided by Councillors or members of the public. The areas where additional monitoring has been set up recently are Chigwell (junction of Fencepiece Road), Buckhurst Hill (near the tube station), Ongar (High Street) and Epping (Tube Station and by Bell Common).
7. The Council has certain enforcement powers under The Road Traffic (Vehicle Emission) (Fixed Penalty) (England) Regulations 2002 to tackle vehicle pollution and officers are authorised to issue fixed penalty notices (FPN) amounting to £20 where drivers fail to turn their engines off. However, the legislation is phrased such that officers must first ask a driver to turn off their engine; if they do so, a notice and fine cannot be issued. The result is that to date no FPN has been issued and in practice the additional powers are used as a means of educating and encouraging behavioural change. The main focus of this work at present is at Epping Station, where an officer has been engaging with any drivers, including bus drivers and taxi drivers, seen idling their vehicle. The bus companies and taxi operators have received letters informing them to instruct drivers to switch off their engines when stationary, for other than picking up or dropping off. We have received no complaints regarding Loughton tube station. It should also be noted that we are unable to enforce on private land and therefore idling outside Debden, Theydon Bois, Chigwell and Buckhurst Hill stations are out of scope.
8. The Council has participated in the last three years to the 'National Clean Air Day Campaign'. This has included engagement via email to schools prior to the day, for forwarding onto parents informing them of the campaign and some schools have used the day to promote environmental issues in lessons. Literature has also been sent to libraries, NHS sites and town councils. The Council has used social media to publicise Clean Air Day more widely and officers, each year, have attended a school from where complaints of idling vehicles have been received. This year, the Commercial and Regulatory Services Portfolio Holder attended Epping Primary School with the Public Health Team.
9. The Public Health Team have just taken receipt of five large banners, of which two have been erected at Epping tube station. The others will be erected at sites to be identified where idling has been raised as a problem. It is proposed to erect banners at Bell Common subject to identification of location and display infrastructure that is suitable for road side.
10. Going forward, the Public Health Improvement Officer will be looking to develop a working group, involving staff from relevant service areas within the Council, that will be focussed on tackling particular public health issues. This could include Clean Air Day and a range of measures and initiatives around this. In addition, a West Essex joint communications group is being developed with the aim of coordinating campaigns across all authorities in West Essex. The group will be comprised of the Clinical Commissioning Group, local authorities, Princess Alexandra Hospital and voluntary sector organisations and will be able to include the promotion of green initiatives or campaigns jointly.

**Resource implications:**

Existing resources.

**Legal and Governance Implications:**

No additional implications.

**Safer, Cleaner, Greener Implications:**

For noting only.

**Consultation Undertaken:**

None.

**Background Papers:**

None.

**Impact Assessments:**

***Risk Management***

For noting only

***Equality:***

For noting only