

**Meeting date:** 17<sup>th</sup> January 2019  
**Report to:** Cabinet  
**Subject/report title:** DEFRA funding for air quality interventions  
**Report from:** Councillor Diccio, Cabinet Member Environment & Housing  
**Report author/lead contact officer:** Sangeeta Leahy (Sangeeta.leahy@solihull.gov.uk)

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**Wards affected:**

All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege

**Public/private report:** Public

**Exempt by virtue of paragraph:** Select an Exemption paragraph from the 'Quick Parts' drop-down list

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**1. Purpose of Report**

- 1.1 To provide an update to Cabinet on the proposed action to deliver the Ministerial Direction requiring Solihull Council to implement measures on the two sections of the A45 previously identified by the Department for the Environment, Food and Rural Affairs (DEFRA) as potentially exceeding roadside nitrogen dioxide (NO<sub>2</sub>) concentration limits as set out in the national air quality objectives.
- 1.2 To provide an update to Cabinet on the request for funding to 'The Joint Air Quality Unit' (a joint unit between DEFRA and the Department for Transport), to deliver the Ministerial Direction.
- 1.3 To seek Cabinet approval to accept the proposed **£824,373** funding from DEFRA to deliver the Ministerial Direction over the next 2 years.

**2. Decision(s) recommended**

- 2.1 That Cabinet approves the measures to deliver the Ministerial Direction requiring Solihull Council to take steps to implement these measures as soon as possible and at the latest by 2020.
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- 2.1.1 That Cabinet approves the request to The Joint Air Quality Unit for revenue grant funding of **£824,373** to enable delivery of the proposed measures within the required timeframe.
  - 2.2 That Cabinet delegate responsibility for ensuring the delivery of the Ministerial Direction within the required timeframe to the Cabinet Member led Solihull Air Quality Steering Group.

### **3. What is the issue?**

- 3.1 In February 2018 the High Court ruled that the government's July 2017 NO<sub>2</sub> plan was insufficient to bring the UK into compliance with the EU air quality Directive and ordered that ministers publish a supplementary plan mandating action by 33 additional local authorities (of which Solihull is one).
  - 3.2 These 33 authorities were required to scope out measures to improve air quality within the soonest possible timeframe. Within Solihull two sections of the A45 were identified by DEFRA as potentially exceeding the annual mean NO<sub>2</sub> limit value of 40µg/m<sup>3</sup> as set out in the national air quality objectives.
  - 3.3 A feasibility study was therefore undertaken to identify any mitigating measures in the specified locations, as required by the High Court. A programme of intensive workplace travel planning was proposed, which is expected to deliver high value for money.
  - 3.4 Solihull's package of measures to bring forward compliance on the 2 affected sections of the A45 includes workplace travel plans, use of cycling and walking networks, car sharing schemes and changes to signing and fleet. This is detailed in the table below.
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<b>Measure</b>	<b>Description of cost breakdown</b>
Area/ site-wide Travel Plan Coordination/ Management - Staff Costs  Employee personalised travel planning	Dedicated staff resource to coordinate the delivery of area-wide travel planning and lead engagement with individual organisations.  Delivery of personalised travel plans for eight businesses and their employees.
Travel Plan monitoring	Modal shift surveys
Area wide Car Share Scheme	Costs of annual area-wide travel plan scheme, licence for database and promotions/ campaigns ( <a href="https://liftshare.com/uk">https://liftshare.com/uk</a> )
Travel marketing campaign	Coordinator's time and the costs of developing and printing/ acquiring promotional materials to support specific travel campaigns.
Employee travel incentives	Incentives for employees for travel behavioural change e.g. public transport Swift taster cards. Assumptions of 30% take up rate for 25,000 employees.
Travel support grants	A grant scheme for businesses to provide on-site capital facilities to support sustainable travel. Assumed a match based grant scheme (50% contribution from an individual business).
On site Electric Vehicle charging points	A combination of rapid charging points and standard charging points dependent upon the specific needs of the eight businesses
On site cycling 'hub'	High quality 'one stop shop' cycle facility for shared use by businesses – storage, maintenance facilities, changing and showering, bike share
Fleet Efficiency Advice programme	Support for employers in getting advice and/or subsidies to improve the efficiency, fuel consumption, and emissions from their fleet.
Monitoring	Triplicate NO2 monitoring at a total of 7 sites.
Traffic surveys	2 traffic surveys - one before and one after measure. This includes both vehicle flow and vehicle type and covers both road links.

- 3.5 Solihull's proposed package of measures has been accepted by DEFRA.
- 3.6 On the 5 October 2018 the government published a 'Supplement to the national NO2 Plan' drawing on the outcome of the authorities' feasibility studies.
- 3.7 Subsequently, a further legally binding direction requiring Solihull Council to take steps to implement these measures as soon as possible and in time to bring forward compliance with legal limits was issued.
- 3.8 All aspects of the programme are to be overseen by the Joint Air Quality Unit, which will also be providing a range of support to develop this work, including the allocation of funding.
- 3.9 Solihull Council is awaiting formal confirmation of government funding to support delivery of the Ministerial Direction. It is anticipated that the funding will be issued as one grant payment upfront with a requirement to provide updates on spend as the project progresses.
- 3.10 Solihull Council will be required to regularly update the Joint Air Quality Unit on progress – this is anticipated to be through quarterly reports.
- 3.11 Solihull Council will be asked to ensure that the project meets state aid rules (a statement on this has already been provided to the Joint Air Quality Unit and is detailed in 6.e below).
- 3.12 Solihull Council will be asked to provide monitoring and evaluation of the project as set out in the guidance provided by DEFRA to monitor the concentrations on the road, carry out traffic surveys before and after implementing the measure and to carry out an evaluation of the impact the measure has had.
- 3.13 It should be noted that this work is separate to the development and delivery of the Solihull Clean Air Strategy 2019 -2024, which is currently being developed. It is recognised that there is some overlap on the overall aim to reduce NO2 levels, and officers will seek to realise mutual benefits wherever possible.

#### **4. What options have been considered and what is the evidence telling us about them?**

- 4.1 A range of measures were considered during the feasibility study by the Solihull Air Quality Steering Group, and these were assessed for their deliverability and feasibility.
- 4.2 The preferred option chosen to bring forward compliance of intensive workplace travel planning includes a mix of 'soft' and 'hard' measures.
- 4.3 The Solihull Air Quality Steering Group agreed at its September 2018 meeting to recommend to Cabinet that delivery of the Ministerial Direction should be overseen by the Steering Group.
- 4.4 The Steering Group has agreed that the measures outlined in the Ministerial Direction will be implemented by officers within SMBC wherever possible, rather than employing an external consultant. This will ensure links are made with other council initiatives and longevity of the programme.

4.5 An SMBC officer task and finish group has been established to deliver the measures within the Direction, which by its membership will also ensuring an integrated approach between this and related work streams across the authority. This group is chaired by the Consultant in Public Health (Healthy Places).

## 5 Reasons for recommending preferred option

5.1 It is proposed that two full time staff are recruited to deliver the air quality initiatives; the staff will be located within the Sustainable Travel Team within Highways. This will enable an integrated approach to support businesses by ensuring a joined up service incorporating the new business support programme as part of Wild Life Ways. DEFRA have confirmed employing internal staff to deliver compliance is acceptable, which is a different delivery model to that outlined in the submission where the use of external consultants was proposed.

## 6 Implications and Considerations

a. Delivery of the Council Plan:

How will the options/proposals in this report contribute to the delivery of the Council Plan?  
(select which of the below apply and also specify which key programme/s):

- Improve Health and Wellbeing - Even slight reductions of PM or NO2 concentrations below air quality standards are likely to bring additional health benefits to the population.
- Managed Growth -
- Build Stronger Communities -
- Deliver Value -

b. Implications for children and young people, vulnerable groups and particular communities:

Air pollution disproportionately affects children, older people and those who live in more deprived and congested areas.

c. Consultation and Scrutiny:

N/A

d. Financial implications:

The Joint Air Quality Unit is planning to issue **£824,373** as **revenue** grant funding to Solihull Council to enable delivery of the proposed measures within the required timeframe.

This is the full amount of funding costed by Solihull Council officers in order to deliver the measures.

The key condition attached to the award is that the funding should only be used for the purposes set out unless otherwise agreed with JAQU – this will be detailed in the grant letter once it is issued.

e. Legal implications:

The Environment Act 1995 allows the Secretary of State to give directions to local authorities requiring them to take such steps as is considered appropriate to enable compliance with air quality standards. The Act imposes a legal duty on the Council to comply with the direction.

The Council's legal department have provided legal advice on implications of any State aid in delivering the measures.

There are no state aid implications for the proposal because the proposal does not meet all of the following criteria:

1. Is the support granted by the state or through state resources?
2. Does the support confer a selective advantage to an undertaking?
3. Does the support distort or have the potential to distort competition?
4. Does the support affect trade between member states?

The grant funding to SMBC is not funding to an undertaking as SMBC is not engaged in economic activity in connection with this project as it is not putting goods or services on a market.

The payment to any Consultant(s) who support implementation of any part of this programme, will be pursuant to a contract which will have been procured through an open and competitive process in accordance with the Council's procurement rules and the requirements of the Public Contracts Regulations 2015.

The test at number 2 above is therefore not met.

f. Risk implications:

Failure to award resources in a timely manner could jeopardise delivery of the proposed measures.

The government has imposed a limited timescale for implementing the proposed interventions.

There have also been a number of High Court judgments brought about by Client Earth, a law firm specialising in environmental matters. Client Earth may wish to pursue individual local authorities perceived as failing to adequately deliver measures to improve air quality.

g. Statutory Equality Duty:

The measures should result in improved air quality for a wide range of residents. A Fair Treatment Assessment will be carried out for the proposed measures prior to commencing the interventions.

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h. List of appendices referred to

N/A

**7 Background papers used to compile this report**

- a. DEFRA project requirements.
- b. UK plan for tackling roadside nitrogen dioxide concentrations (July 2017).
- c. Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations (October 2018).

**8 List of other relevant documents**

Draft Solihull Clean Air Strategy 2019 - 2024

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