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KIRKLEES COUNCIL

ENVIRONMENT AND CLIMATE CHANGE SCRUTINY PANEL

Wednesday 25th October 2023

Present: Councillor Jo Lawson (Chair)
Councillor Timothy Bamford
Councillor Hannah McKerchar
Councillor Matthew McLoughlin
Councillor Will Simpson
Councillor John Taylor

Co-optees

In attendance: Councillor Yusra Hussain
Councillor Elizabeth Smaje

Will Acornley, Head of Operational Services
Katherine Armitage, Service Director - Climate Change &
Environmental Strategy
Shaun Berry, Operational Manager- Air Quality, Energy
and Climate Change
Graham West, Service Director - Highways & Streetscene
Joe Robertson, Woodland Development Manager

Observers:

Apologies: Garry Kitchin (Co-Optee)

1 Membership of the Panel

Apologies were received from Gary Kitchen (Co-optee)

2 Minutes of the Previous Meeting

The Panel considered the Minutes of the meeting of the Panel held on 30 August 2023.

RESOLVED: That the Minutes be approved.

3 Declaration of Interests

No Interests were declared.

4 Admission of the Public

All items were considered in the public session.

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5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

No public questions were received.

7 Council Owned Tree and Woodland Management Policy

The Panel considered the finalised draft replacement Council Owned Tree and Woodland Management Policy.

The item was introduced by Councillor Yusra Hussain, Cabinet Portfolio Holder for Culture and Greener Kirklees who highlighted that the replacement policy brought forward ways to better use resources bringing benefits to the economy, net zero targets and public health.

The item was presented by Joe Robertson, Woodland Development Manager and it was explained that:

- A review of the Council's existing tree and woodland management policy identified that the policy required updating.
- This review work resulted in a redevelopment of the existing documents to provide a new progressive policy which was:
 - Better aligned with current Kirklees commitments and corporate goals
 - Lined up with the new national duties placed on Local Authorities
 - Reflective of changes in public attitude
 - Delivering services using resources more efficiently
 - Providing a safe environment for Kirklees' communities
- Engagement had been undertaken, including a presentation to the former Economy and Neighbourhoods Scrutiny Panel in January 2023, for comments on the early draft.
- The Comments provided by the Panel and the actions taken to address them had been detailed in the finalised draft,
- The finalised draft, including Policy Statements, an updated Risk Framework, Management Standards and Service Standards.
- The tree and woodland management policy linked into other key policies such as planning, climate change, and corporate cleaner and greener objectives.
- The new policy was required to link into national policies such as the environment act introduced in 2021 and the Health and Safety Act was a key consideration of the work.

The Panel noted the presentation highlighting that the draft policy was a progressive and positive document. The Panel also expressed thanks to officers for taking the previous recommendations from scrutiny on board.

In the discussion to follow, the Panel asked a number of questions around the management of public expectations, guidance around the planning process in relation to protecting trees, tree replacement standards and woodland management and maintenance commitments.

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In response to the Panel's question around the management of public expectations, Joe Robertson advised that a copy of the full policy document would be available online, but work was also being undertaken with the Councils Communications team to develop a web base with user friendly information, which would also help streamline access to service delivery through a proforma.

In response to the Panel's question around planning permission Joe Robertson advised that the Local Plan set out a robust policy around the removal of trees which was linked to the value of the landscape and the value of the tree. If the tree was important, the Local Plan and planning process would not support its removal unless there were very clear reasons why, and the draft replacement Council Owned Tree and Woodland Management Policy aimed to reflect this.

In response to the Panel's question around the limited access inspection regime Joe Robertson advised that most all woodlands were publicly accessible, and that limited access would only be applied in a very small number of special situations, i.e.- an enclosed building yard.

In response to the Panel's question about whether there was standard for how much a mature tree is worth when replanted Joe Robertson advised that a lot of work being undertaken in this area and discussions were being held with the White Rose Forrest to quantify canopy areas and suggested that an update be given to the Panel as this idea progressed. In Kirklees, consideration of the site was given on an individual basis. The Panel noted the responses to the questions expressing that this information was reassuring. The Panel further asked that the emergency contact details be added to the councils web page going forwards and that a link to the documents be added to the proforma.

To follow, the Panel asked a question around privately owned trees obstructing the highways, the service standard for contact with the landowner, and enforcement of non-compliance. In response, Will Acornley, Head of Operations- Highways and Streetscene advised that the Green Space Action Team would respond within the specific time frames set out in policy that the local authority had to adhere to in terms of reasonableness. Graham West Service Director - Highways and Streetscene, advised that the reasonable period was 14 days and Will Acornley noted that it was important to be transparent about what the timeframes were to manage public expectations and it was agreed that the recommendation be taken forward.

The Panel noted the response to questions and further asked about the aims and objectives of increasing canopy cover highlighting the need to balance green space as an important aspect of public mental health as an additional consideration.

The Chair of Scrutiny asked if the service standards were achievable going forwards and wanted to understand more about what internal parties and experts evidence involved.

In response to the question around achieving service standards, Joe Robertson advised that the timeframes had been worked out on a realistic basis, and these were set as the targets. In response to the question around internal parties, it was

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advised that the team was contractor only and held no budgets meaning that the team always worked for other services. The additional proforma was for those internal parties to contact the team and request a quote to standardise the current ad-hoc process.

RESOLVED: The Panel noted the draft Council Tree and Woodland Management Policy and recommended that:

1. An update on the work being undertaken with the White Rose Forest in respect of quantifying canopy cover be provided to the Panel.
2. The emergency contact details be added to the councils web page and that a link to the documents referenced be added to the proforma.
3. There should be more transparency around the timeframes in relation to the enforcement of dangerous trees/highways obstructions to manage public expectations.
4. The benefits of green space as an important aspect of public health/mental health be taken forward as an additional consideration.

8 Update on Local Air Quality Management

The Panel considered the 2023 Air Quality Annual Status Report (ASR) along with a presentation providing an update on Local Air Quality Management.

The item was introduced by Councillor Yusra Hussain, Cabinet Portfolio Holder for Culture and Greener Kirklees, who highlighted that local air quality management was a legal responsibility placed on all Local Authorities. It was important to note the strong links of air quality to public health, and looking ahead there was to be a focus on emerging legislation with regards to air quality and ensuring that the legal limits of primary pollutants were met in Kirklees. The Council had knowledge of its local communities and challenges faced, making them best placed to lead air quality actions working alongside partners to implement the appropriate solutions, and the team were committed to seeking external funding for larger scale projects to support the Air Quality Action Plan.

Shaun Berry, Operational Manager- Air Quality, Energy and Climate Change gave the presentation which explained that:

- The Environment Act 1995 introduced the Local Air Quality Management statutory duty, to review and assess air quality and act where air pollution concentrations breached legal, health-based standards.
- Air quality across Kirklees was generally good when compared to the national trends and other local authorities.
- Nitrogen Dioxide was the primary pollutant in 9 of the 10 AQMAs (Air Quality Management Areas across Kirklees) and other pollutants were also measured.
- Roadside monitoring of pollutants was undertaken through diffusion tubes, automatic monitors and zephyr sensors.
- Air pollution had a significant effect on public health, and poor air quality was the largest environmental risk to public health in the UK.

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- It was also important to note that where there were inequalities there was a correlation to higher levels of exposure.
- Progress in improving local air quality was detailed within the Council's Air Quality 2023 Annual Status Report which was submitted to DEFRA annually.
- The 2023 ASR reported on the period January 2022 to December 2022 on the AQ monitoring and Air Quality actions that had taken place across the Borough.
- After submission, DEFRA would confirm approval and ratification of the report.
- At that time, DEFRA would also provide feedback to indicate where AQMA'S could be revoked or where an new AQMA would need to be declared.
- Of the 10 AQMA's across Kirklees, there had been an overall positive decline, from 2012 to 2022.
- £500K of external funding had been sought through the annual DEFRA Air Quality grant funding scheme and the announcement on the bid was expected Spring 2024.
- The Kirklees bid proposed use of an innovative Air Quality solution provided by Pollution Solutions, called Roadvent (subject to funding/successful bid).
- Roadvent worked by extracting exhaust fumes/AQ pollution from within the road area and funnelling through a filtration system to lower AQ concentrations.
- Laboratory test result suggested Roadvent could be an effective solution.
- The Air Quality Action Plan (AQAP) was a legal requirement required by DEFRA where a local authority has AQMAs.
- The AQAP outlined the action Kirklees Council will take to improve air quality across Kirklees (and in the AQMAs) within a 5-year timeline.
- Kirklees Council's AQAP was coming to the end of its current five-year plan and the process refreshing this would soon begin.
- This would involve internal/external stakeholder engagement, an Officer Steering Group, regional collaboration, public consultation, and pre-decision scrutiny in addition to the Governance processes.
- The refresh needed to reflect the status of existing AQMAs, monitoring locations, traffic flows, neighbouring authorities' actions and horizon scanning for emerging legislation or updates to Local Air Quality Management.

The Panel noted the presentation and thanked officers for the report noting that it was comprehensive and detailed. In the discussion to follow the Panel asked about, the process for identifying AQMA'S, monitoring cover and the impact the recent government announcement about changes to net zero targets may have on this work. The Panel also noted lower general trends which was positive and wanted to understand how much of this may be attributed to the mitigating measures put in place to improve air quality.

In response, Shaun Berry advised that regular monitoring allowed Kirklees to consider where pollutants may be likely to exceed the air quality limits on particular road networks, junctions and pinch points. This data would be reviewed over a 3-year period and if there were continued exceedances in one area Kirklees would highlight the consideration of new areas to DEFRA for advice on potentially declaring a new AQMA. However, in Kirklees it was more likely that areas would be highlighted to revoke an AQMA rather than add one. Monitoring cover was kept under review considering changes to highways etc... and as part of the Air Quality Action Plan update a detailed analysis of local data would be undertaken to build a

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broader picture of current traffic flows, new developments and road works to understand where monitoring cover was needed. In the cases of where there were new developments for example, work would be undertaken with key stakeholders pre and post development to understand the impact of additional vehicles in an area through the use of air quality monitoring equipment such as diffusion tubes, automatic monitors and zephyr sensors.

In response to the question about the recent changes to the governments climate targets, Shaun Berry advised that there was a link between climate and air quality and whilst the national government had made specific statements the work ongoing locally would continue to remain a priority including work with partners and DEFRA to identify future funding opportunities. In response to the question around the lower general trends it was advised that there had been positive outcomes as result of interventions which had lowered emissions and resulted in the reduction of size of an AQMA or proposals to revoke this. Katherine Armitage, Service Director - Environmental Strategy and Climate Change added that another factor influencing lower general trends was that vehicles were getting cleaner, leading to lower emissions and an improvement in air quality. Where traffic flow and emissions remained the same, but interventions such as changing signalling showed to lower those emissions there was a clear correlation between the intervention and positive outcome.

The Panel noted the responses to the questions and highlighted the reference in the report to a number of strategies (i.e.-the electrical vehicle strategy, and the district air quality action plan and air quality strategy) as opportunities for pre-decision scrutiny and requested that these be presented to the Panel when appropriate. The Panel further highlighted a number of long term- large developments in Kirklees as part of the town centre regeneration plans and the Local Plan and wanted to know if particulates from construction would be monitored.

In response, Shaun Berry advised that a project was been undertaken with the West Yorkshire Combined Authority which included work to begin the process of monitoring particulate matter. Quarries would be the responsibility of the Environment Agency, but the Panel were reassured that in relation to the construction aspects there was a planning process which related to developments and undertaking detailed analysis on the impact on air quality.

The Panel noted the response and highlighted the Roadvent project as exciting and, should the funding bid be successful, it was important to communicate positively about this work to highlight Kirklees as leaders in taking this forward. However, it was also important to make sure this was done effectively to make sure the public understand this work was innovative and it was important for the public to understand what it was the council was aiming to do prior to seeing changes on the highways. The Panel also noted that there was a national focus on clean air zones and requested further clarity on who was responsible for taking the decision to implement a clean air zone (i.e.- national government or local government) and where Kirklees's position was in relation to the potential for clean air zones to be introduced.

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In response Shaun Berry advised that in 2019 DEFRA asked the Council to consider whether a clean air zone was needed. In response a study was carried out which concluded that Kirklees did not place in the category where a clean air zone would be imposed by DEFRA and the government also had not mandated the need for a clean air zone.

The Panel asked further questions in relation to the impact of the incinerator on AQMA No.9, how the Roadvent system may work in inclement weather, i.e.- heavy rain and strong wind, the reduction of particulates as well as wanting to understand what work had been undertaken to investigate gas to liquid (GTL) fuel technology.

In response Shaun Berry advised that the output from the incinerator should not affect the AQMA as the focus of the monitoring work was on vehicle emissions but agreed to confirm this with the air quality lead. In relation to Roadvent, Shaun Berry acknowledged that this intervention may not mitigate emissions from every type of vehicle but if there was opportunity to bring the pollutant concentrations down below the air quality objective, then this would have a positive outcome for the AQMA, public health and the monitoring location. It was also advised that there was a focus on monitoring areas where residents would be exposed to pollutants long term (i.e.- the home) due to the increased likelihood of adverse health effects over short term exposure (i.e., the bus station).

In response to the question around GTL fuels, Shaun Berry agreed to investigate this further as part of the development of the Air Quality Action Plan refresh and the Air Quality Strategy to understand this further. In response to the question around particulate matter it was advised that there was improved technology such as tyres that don't release particulate matter, such improvements may mitigate challenges caused by particulate matter and there was potential to investigate this as part of the air quality grant bid.

The Chair of Scrutiny asked questions around how closely the Council worked with Highways England around the motorway network and what information was received from public health in relation to clusters of respiratory disease that may indicate the need for air quality monitoring.

In response, Shaun Berry advised that Highways England would be a key external stakeholder in the refresh of the action plan and agreed to ensure that the Air Quality Lead re-engaged with this partner if needed. Work with public health to overlay their data with air quality data was ongoing and there was a view to strengthen this partnership working as part of the Air Quality Strategy and Action Plan refresh.

The Panel asked what the potential timescales may be for the Roadvent scheme if bids and the pilot were successful and what percentages improvements had been seen from this intervention experimentally. The Panel also wanted to know what specific improvements were being considered in relation to cycling infrastructure and greenways.

In response Shaun Berry advised the bid was a capital and revenue grant fund, which included installation, officer time and ongoing maintenance. Potential

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improvements were set out in a scientific literature review which supported Roadvent, and it was agreed that this information be shared with the Panel.

In relation to cycling infrastructure and greenways, Shaun Berry agreed that though electrification was one aspect of modal shift it was also important to improve active travel routes and infrastructure to support behaviour change and improve air quality. Officers were involved locally in the walking and cycling partnerships, discussions around the electrification of bus infrastructure and the planning process in support of effective modal shift and improvements in air quality.

RESOLVED: The Panel noted the Update on Local Air Quality Management Update and the 2023 Air Quality Annual Status Report (ASR) and recommended that:

1. The documents identified in the report as opportunities for pre-decision scrutiny be presented to the Panel going forwards.
2. It be confirmed with the air quality lead, if the output from the incinerator had any impact on AQMA No.9
3. Work be undertaken to investigate Gas to Liquid fuel to increase understanding of any potential benefits as part of the refresh of the Air Quality Action Plan and Air Quality Strategy
4. To maintain a good relationship with Highways England as a key external stakeholder and to continue building on this partnership as part of the refresh of the Air Quality Action Plan and Air Quality Strategy.
5. The scientific literature review in relation to the potential benefits of Roadvent be shared with the Panel.
6. Clear, effective, and positive communications be developed with regards to the Roadvent project to increase public understanding of the benefits

9 **Work Programme 2023/2024**

The Panel considered its Work Programme for the 2023/24 municipal year. It was noted that arising from the Panel's scrutiny of the Re-Profile of Kirklees Resource and Waste Strategy 2021-2030, Panel members visited the Energy from Waste Facility and Materials Recycling Facility in Huddersfield on 27th September 2023. During the tour, Panel members noted the risks from disposable vapes and felt that messaging to raise awareness of this was important.

The Governance Officer advised the Panel of changes to the work programme. The Panel noted the updates and suggested that the Parks and Green Space item be moved to November and that the Fleet Replacement item be scheduled.

RESOLVED: The Panel noted the work programme, and it was agreed for the suggested changes to be discussed with the relevant lead officers.