

Meeting of the Place Scrutiny Committee

Thursday, 19th November, 2020 at 6.00pm
On Microsoft Teams

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Agenda - Public Session

(Meeting open to the public and press)

1. Chairs Announcement

Welcome to this virtual meeting. This is a formal Council Committee. The public proceedings will take place live on the Internet. The meeting will be recorded for future viewing.

It will assist the conduct of business if participants speak only when invited.

Members of the public are welcome to view the proceedings but should not make contributions at this meeting.

All Members of the Committee have received the reports in advance and had the opportunity to read them. The reports are published on the Internet.

All participants should mute their microphones and video feed when they are not speaking.

Anyone wishing to speak should indicate using the 'raise your hand' button on Microsoft Teams. Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.

If you do not have the hand button, please type your request to speak in the chat function.

When the item on which you have contributed is concluded, you may leave the meeting by using the red 'hang up' button if you wish.

Finally, I ask for everyone's patience with the use of the technology. I apologise in advance if we experience any unforeseen difficulties which we shall try to resolve.



2. Apologies for absence.
3. To report the appointment of any substitute members serving for this meeting of the Committee.
4. To receive any declarations of interest under the Members' Code of Conduct.
5. To confirm and sign the minutes of the meeting held on 24th September, 2020 as a correct record.
6. Air Quality Monitoring in Dudley Borough.
7. To consider any questions from Members to the Chair where two clear days notice has been given to the Monitoring Officer (Council Procedure Rule 11.8).



Chief Executive

Dated: 11th November, 2020

Distribution:

Members of the Place Scrutiny Committee:

Councillor M Rogers (Chair)

Councillor A Finch (Vice Chair)

Councillors M Aston, I Bevan, B Challenor, K Finch, D Harley, Z Islam, L Johnson, J Martin and P Sahota.



Please note:

- This meeting will be held virtually by using Microsoft Teams. The meeting will be held live via the Internet link.
- This is a formal Council Committee and it will assist the conduct of business if participants speak only when invited by the Chair.
- The Chair reserves the right to adjourn the meeting, as necessary, if there is any disruption or technical issues.
- All participants should mute their microphones and video feed when they are not speaking.
- Please remember to unmute your microphone and switch on your video feed when it is your turn to speak. Speak clearly and slowly into your microphone.
- Members of the public can view the proceedings by clicking on the link provided on the agenda.
- The public proceedings will be recorded by the Council to view on our website. Recording/reporting is only permitted during the public session of the meeting.
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- Elected Members can submit apologies by contacting Democratic Services:
Telephone 01384 815238 or E-mail **Democratic.Services@dudley.gov.uk**

**Minutes of the Place Scrutiny Committee
Thursday 24th September, 2020 at 6.00 pm
on Microsoft Teams**

Present:

Councillor M Rogers (Chair)
Councillor A Finch (Vice-Chair)
Councillors I Bevan, B Challenor, K Finch, Z Islam, L Johnson, J Martin, P Sahota and T Westwood

Officers:

M Williams - Acting Deputy Chief Executive, G Dean - Acting Director of Public Realm, J Cunningham - Project Lead – Midland Metro, M Sorrill - Project Engineer (Directorate of Public Realm), K Griffiths - Democratic Services Officer and G Gray – Assistant Democratic Services Officer (Directorate of Finance and Legal).

Also in attendance:

One member of the public

5 Apologies for Absence

Apologies for absence were submitted on behalf of Councillors M Aston and D Harley.

6 Appointment of Substitute Member

Councillor T Westwood had been appointed as a Substitute Member for Councillor D Harley for this meeting of the Committee.

7 Declarations of Interests

No member made a declaration of interest in accordance with the Members' Code of Conduct.

8 **Minutes**

Resolved

That the minutes of the meeting held on 9th July, 2020 be confirmed as a correct record and signed.

9 **The Wednesbury to Brierley Hill Metro Extension**

Members considered a report of the Director of Regeneration and Enterprise on an update on the progress with the delivery of the Wednesbury to Brierley Hill Metro Extension (WBHE).

The Project Lead, Midlands Metro gave an overview of the key information outlined in the report submitted to the meeting. A copy of the report was available to view on the Committee Management Information System (CMIS).

Progress on the key elements in terms of the delivery of the scheme were acknowledged, particularly, the completion of the Network Rail Land Acquisition Agreement at the end of July. It was confirmed that detailed activity had now commenced on the Network Rail corridor. It was noted, however, that completion of the utility programme was still outstanding.

It was reported that the Transport and Work Act Order (TWAo) refresh had now been enacted. Transport for the West Midlands (TfWM) now had the power to acquire all non-network rail land that it required for the delivery of the project.

It was reported that, following considerable consultation and improved battery technology, the Metro could be safely delivered from Tipton Road through Castle Hill and Dudley Town Centre to Flood Street on a non-catenary basis.

Part of the development was the infill structure works and Members were informed that work had commenced, with two of the five structures having been completed. Utility works continued to be carried out on Trindle Road, however, it was noted that further work was required on Castle Hill. The programme remained on financial target with a spend of £48.9m of the overall budget of £449.5m being expended to date.

Design work had continued on the project through COVID-19. The effect of COVID-19 coupled with delays to the Network Rail Agreement and the (TWAo), had led to TfWM forecasting a potential six month delay to the Metro Programme although they were that the delay would be recovered over the next three years. It was reported that regular progress reports would be provided to Committee for further discussion.

The Black Country Consortium would monitor the economic impact of the Metro for the Metro Project Board and it was proposed that a presentation would be provided by officers from The Black Country Consortium to a future meeting of the Committee.

At the meeting held in January 2020, it was highlighted that the Links Together Project in the Hawbush area had commenced, however, due to the impact of COVID-19, the project had been delayed. Progress had been made during the lockdown period, however, with the project being reliant on remote delivery and residents experiencing difficulties with internet bandwidth, delivering the project was proving challenging. It was recognised that continued consideration and consultation, particularly with local Ward Members of the Brierley Hill and surrounding areas was essential to address the challenges highlighted and secure funding to improve the delivery of the programme.

In referring to the Metro Legal Agreement the Council had entered into with the then Centro to support the delivery of the scheme, Members were advised that the Legal Agreement was still binding, however, the Council and the West Midlands Combined Authority (WMCA) had agreed that the agreement be refreshed. The Legal Agreement covered a number of matters, and it was noted that an agreement had now been reached on how the elements covered by the Legal Agreement, as set out in paragraph 27 of the report submitted, would be addressed, with the exception of the acquisition and use of the Council's land. Further consideration was required to ensure that aspect of the Legal Agreement was addressed effectively. It was recognised that as the detailed design of the Metro Extension had been developed, it had become apparent that land acquired to develop the project was not all required. An exercise was currently underway identifying unnecessary land, agreeing those sites with the WMCA, considering a value of those sites and producing a report to go through appropriate governance channels to discuss and consider further.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided where necessary, as follows:-

- In clarifying the route the Metro Extension would take, Members were assured that discussions were currently taking place with the Mosque and TfWM on how to adequately address the interface between the Metro and the Mosque as it passed through that area of the Town. The Mosque had made suggestions on how best to deliver the Metro through that area and TfWM were currently considering the best option moving forward. Consultation with all parties involved was essential to ensure the Metro Extension project was delivered effectively.
- Members acknowledged the significant increases predicted as part of the Economic Impact of the WBHE. Although it was recognised that the predicted increases covered a 25 year appraisal period, Members queried whether there had been any employment opportunities for local people during the initial stages of the programme. Reassurances were required that local communities would benefit from the jobs created as part of the project. It was considered that consultation with local Councillors was key, particularly in the more deprived areas of the Borough to maximise employment opportunities.

Collaborative work was currently taking place with Midland Metro Alliance, West Midlands Combined Authority and Dudley College to develop an Inclusive Growth Corridor to ensure that the economic benefits of the Metro focused on local residents was essential moving forward. The project aimed to provide local residents with advice and guidance on developments planned for the WBHE and to signpost interested parties to training for a career not only in the rail and construction sectors but also associated with the HS2, Commonwealth Games, local housebuilders and investors across the region. It was noted that a report and a detailed presentation from representatives from organisations associated with the WBHE, together with “real life” examples of local residents that had already benefited from the project, engagement strategies, focusing on the more deprived areas of the Borough, key outputs and indicators of the project and how these would be monitored, would be provided to a future meeting of the Committee.

- Members queried the need to explore additional funding opportunities given the budget of £449.5m that had been earmarked for the project. It was noted that the £449.5 was the cost of delivering the physical metro extension from Wednesbury to Brierley Hill.

Resolved

- (1) That the information contained in the report, and as presented verbally at the meeting, be noted.
- (2) That a report and a detailed presentation from representatives from organisations associated with the WBHE, together with “real life” examples of local residents that had already benefited from the project, engagement strategies, focusing on the more deprived areas of the Borough and key outputs and indicators of the project and how these would be monitored, be provided to the Committee in three months’ time.

10 **Potential improvements to Smestow Valley Dis-Used Railway Line**

The Committee considered a report of the Acting Director of Public Realm on work undertaken to date and the potential for future improvements to the Smestow Valley dis-used railway line.

The Acting Director of Public Realm gave an overview of the key information outlined in the report submitted to the meeting. A copy of the report was available to view on the Committee Management Information System (CMIS).

The Acting Director of Public Realm reported on the overall route the disused railway line ran between. It covered an area of 11 miles of cycling and walking opportunities, however, only approximately 2 miles fell within the Dudley Borough. Based on discussions with colleagues from Wolverhampton and South Staffordshire Councils it was evident that there was an opportunity to improve and promote the regional route along the railway line and discussions were ongoing with the West Midlands Combined Authority (WMCA) and Transport for West Midlands (TfWM) to consider the opportunity further.

The focus for Dudley was to improve the section that was covered within the Dudley Borough. It was noted that the surface of the path was relatively poor in some parts of the route and significant drainage issues identified during inclement weather which had caused major difficulties for people navigating the route. Further issues included fly tipping and the use of off road motorcycles along the route, however, it was acknowledged that any proposals to improve the pedestrian/cycle access would need to be considered as part of any future works.

Members were advised that officers and stakeholders had attempted to secure external funding to improve the path, however, these had all been unsuccessful. The estimated cost to improve the 3.5km length located within the Dudley Borough was in the region of £1m based on similar projects in the Borough. Details of design and requirements would be considered further when funding became available.

It was recognised that there was significant opportunities that the route provided in terms of supporting regeneration, promoting health and active travel locally and Members were assured that continued efforts would be made to secure funding opportunities for development and improvement works to the route moving forward.

Following the presentation, Members had the opportunity to ask questions, make comments and responses were provided where necessary, as follows:-

- In general, Members were very positive in relation to the content of the report as it highlighted a number of issues Dudley was trying to promote in terms of health, climate change and better use of existing infrastructure. The report also highlighted the issues members of the public had raised over several years in relation to the need to improve pedestrian/cycle paths within the Borough of Dudley. Whilst it was acknowledged that the proposal outlined a positive outcome, Members expressed concern that the issue had been ongoing for a number of years and queried when the identified improvement work would commence.
- The Acting Director of Public Realm indicated that meetings had taken place with officers and a member of the public to discuss various strategies and to identify funding opportunities to fund the improvement work required. It had been unfortunate that attempts to secure bidding had been unsuccessful to date, however, Members were assured that officers would continue to work with organisations and the member of the public regarding any potential future funding.

In responding to questions, it was reported that several bids had been close to approval, however, had been unsuccessful due to a variety of reasons. The latest bid had been through the Emergency Active Travel Fund. Although initially officers believed that the criteria would enable a proposal to be put forward for the improvements along the route, however, as part of the evaluation process, Government had decided to tighten up the criteria, resulting in specific focus being given to Highway cycling and pedestrian walking rather than walking in rural areas. A benefit referred to was the opportunity to work with Wolverhampton and South Staffordshire Councils to identify and secure funding, however, the worst part of the route was through the Dudley area and needed significant funding to address the drainage and condition of the surface.

A suggestion was made to the possibility of accessing the Community Forum Funding, Community Infrastructure Levy (CIL) and Section 106 funding. Reference was made to the recent announcement in relation to the Black Country being awarded United Nations, Scientific and Cultural Organisation (UNESCO) Geopark status, and the additional advantages and increased possible funding opportunities associated with the status. Members were assured that all appropriate funding opportunities would be considered moving forward.

- Members welcomed the opportunities associated with securing funding to allow for improvement works to be carried out, however, it was suggested that the Acting Director of Public Realm:-
 - Provide detailed designs and cost estimates for the improvement works to the Lines walk from Pensnett to Himley.
 - Explore all potential funding streams, including Community Infrastructure Levy (CIL) and prudential borrowing, to allow the improvement scheme to proceed timely within the next twelve to twenty-four months.
 - Update relevant Scrutiny Committees annually with progress, together with the local ward elected members for Brockmoor and Pensnett.
- It was confirmed that two bids were currently being considered at alternative locations within the Borough as part of the Emergency Active Travel Funding. The criteria for applying was determined by the Department for Transport and concentrated on more urban areas where increased traffic in terms of cyclist and walkers were identified. It was confirmed that no direct bids were currently being considered, however, officers would continue to explore any future bidding opportunities available.

- Members referred to the importance of residents attending meetings, such as Community Forums to raise issues with the Council and to work collaboratively with officers and Members to ensure effective communication was maintained and results observed, particularly to improvement works identified by residents. It was essential that members of public were reassured that officers and Members listened and acted on concerns raised.
- In referring to the Environmental and Green Issues affecting the Borough, the Acting Deputy Chief Executive indicated that meetings had taken place to discuss the terms of reference for the first meeting of the Climate Change Working Group. A key issue for the Council was to consider a change in culture to enable a more environmental approach to reduce the impact on the economy, particularly, considering improved means of transport. It was acknowledged that the impact of COVID-19 had made people aware of the benefits of cleaner air as a result of less vehicles on the road, an improved environment and healthy lifestyle. Collaborative working with the WMCA to achieve zero emissions and promote a healthier lifestyle was essential to get the desired results. It was considered that a Climate/Environmental Impact paragraph and/or a statement produced by the author of the report be included on all future Council reports to highlight the steps the Local Authority were taking to reduce the effects of climate and associated changes. It was reported that the matter would be discussed at the first meeting of the Climate Change Working Group.
- Consideration by the WMCA was being given to the use of and benefits associated with the use of electric vehicles/bikes. A number of trials had taken place across the wider West Midlands regarding electric scooters, however, it had been reported that due to various issues regarding electric scooters some trials had been paused. Electric energy was an issue being considered, not only across the WMCA but also within the Local Authority as the use of electric vehicles was considered a key focal area, particularly with the Climate change element as well as moving away from petrol and diesel towards an electric fleet.

Resolved:

- (1) That the content of the report be noted and future opportunities for further development and improvement works to the route going forward be supported.
- (2) That the Acting Director of Public Realm provide detailed designs and cost estimates for the improvement works to the Lines walk from Pensnett to Himley.
- (3) That the Acting Director of Public Realm explore all potential funding streams, including Community Infrastructure Levy (CIL) and prudential borrowing, to allow the improvement scheme to proceed timeously within the next twelve to twenty-four months.

- (4) That the Acting Director of Public Realm keep relevant Scrutiny Committees updated annually with progress, along with local ward elected members for Brockmoor and Pensnett.

The meeting ended at 7.11 pm

CHAIR

Place Scrutiny Committee – 19th November 2020

Report of the Director of Public Health & Well Being

Air Quality Monitoring in Dudley Borough

Purpose

1. To update the Committee on the current position with respect to Air Quality monitoring within Dudley Borough and compliance with the National Objectives for Air Quality.

Recommendations

2. It is recommended that the Committee: -
 - Note the current position with respect to air quality and air quality monitoring within Dudley Metropolitan Borough.
 - Support the continuation of air quality monitoring to show the general improvement in air quality across the Dudley Borough.
 - Support enhanced air quality monitoring at locations where poor air quality is suspected and to demonstrate that measures to improve air quality have been successful.
 - To endorse the measures being undertaken to improve air quality as detailed in this report.

Background

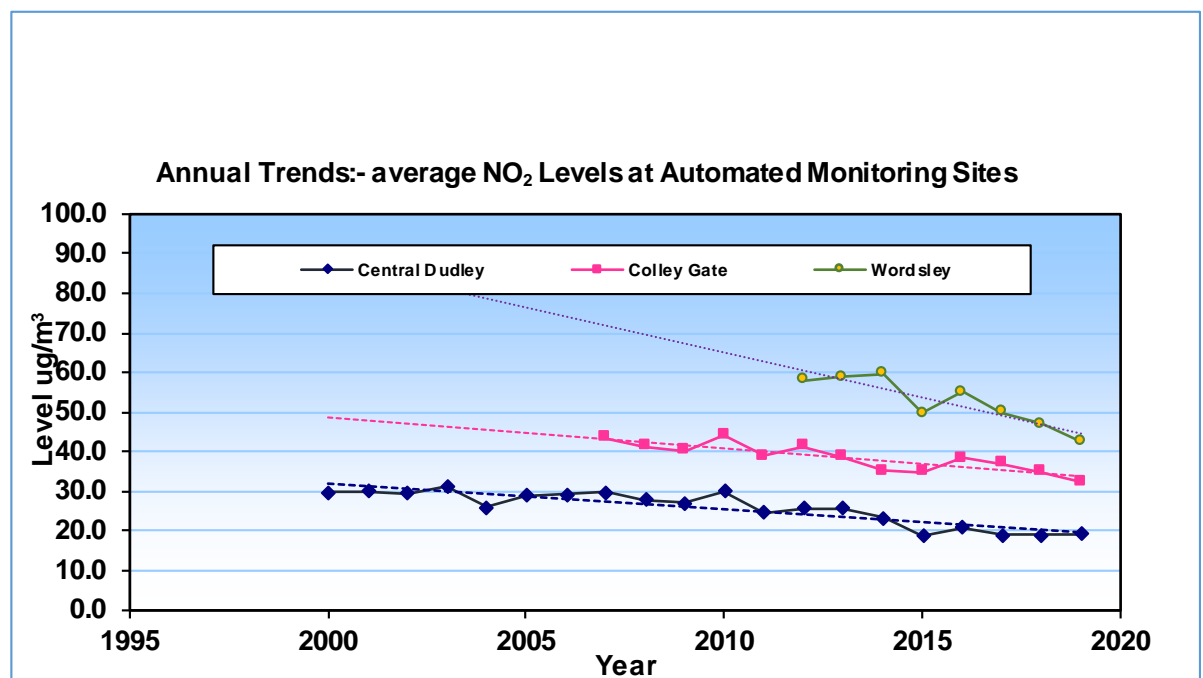
3. In 2007 Dudley Metropolitan Borough Council declared the whole borough as an Air Quality Management Area due to a number of exceedances of the nitrogen dioxide (NO₂) annual mean objective. No other air pollutants exceeded national air quality objectives and the Dudley Borough has continued to meet objectives, with the exception of NO₂. NO₂ is predominantly generated by the internal combustion engines of road vehicles.
4. The other pollutant which is routinely measured in the ambient air in Dudley Borough is Particulate Matter, both in 10-micron diameter (PM₁₀) and 2.5-micron diameter (PM_{2.5}) particle sizes.

5. Air quality monitoring provisions at Dudley MBC

Dudley MBC (DMBC) maintains 54 diffusion tubes monitoring nitrogen dioxide at 45 separate sites; including a new set of tubes near a pedestrian crossing on Duncan Edwards Way, and a new single tube near the pedestrian bridge over Duncan Edwards Way.

6. DMBC continues to operate three automatic monitoring stations;

- **Central Dudley, St James's Road** - monitoring NO₂ and PM₁₀. This station has been operational since 1999, it was relocated in 2015 to the rear of 3-5 St James's Road. It is classified as an urban background site and data from this site is representative of typical exposure levels found in urban centres away from main roads.
- **Colley Gate, Cradley** - monitoring NO₂, PM₁₀ and PM_{2.5}. This roadside monitoring station has been operational since 2006, it monitors roadside pollution levels from the footpath in Colley Gate.
- **Wordsley, High Street** - monitoring NO₂. This roadside monitoring station has been operational since April 2011 and monitors roadside pollution levels of nitrogen dioxide in a location which has significant standing traffic during peak periods. See graphed data for all three stations below.



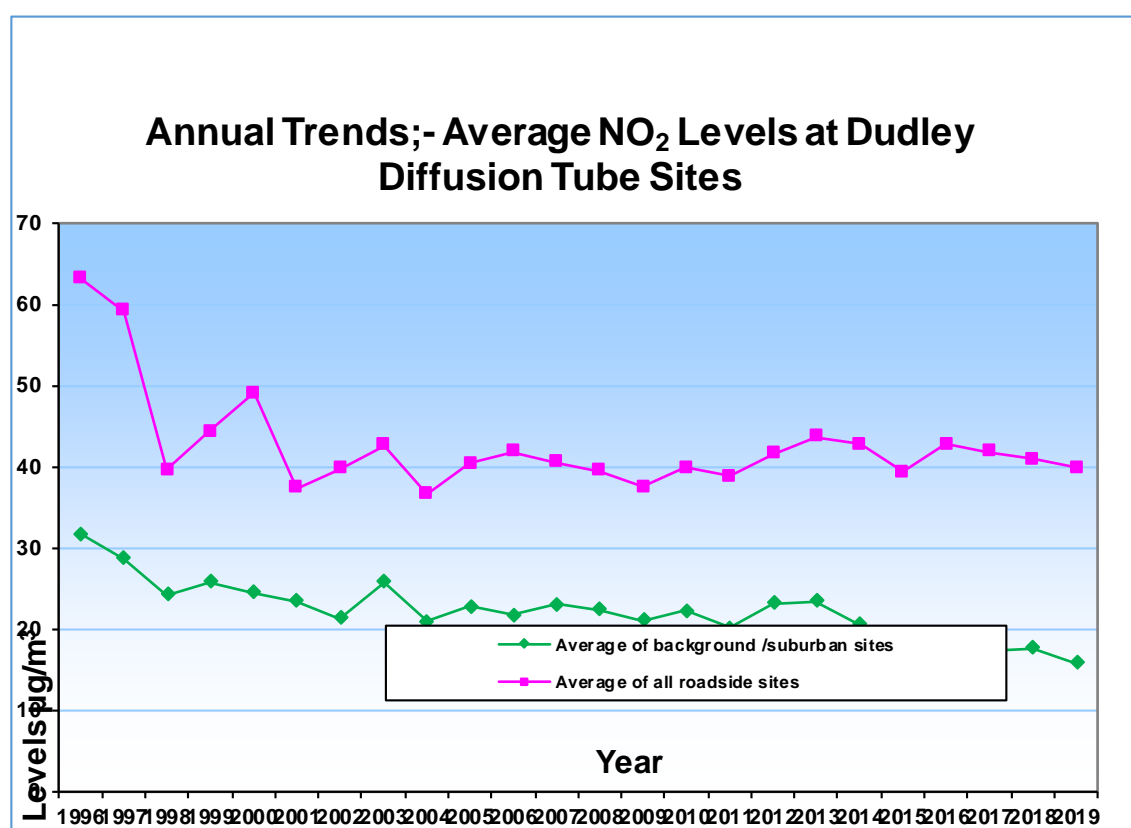
7. Monitoring results for year end 2019

The results of air quality monitoring show a gradual downward trend year on year, this trend continued in 2019. In 2018 nine areas of exceedance were identified within Dudley Borough. Monitoring in 2019 shows this number has fallen to six areas of exceedance. All six of these current areas of exceedance show a

reduction in NO₂ from the previous year and are therefore all improving. The six areas are listed in the table below.

Location	Maximum annual average NO ₂ measurement to end of 2019
Halesowen Road, Netherton	68.65 ug/m ³
High Street, Wordsley	48.96 ug/m ³
High Street, Quarry Bank	50.38 ug/m ³
Birmingham Road, Dudley	43.58 ug/m ³
Windmill Hill, Cradley	42.60 ug/m ³
Hall Street, Dudley	40.19 ug/m ³
National Objective level	40.00 ug/m³

The graph below shows the average of all NO₂ diffusion tube results across the Borough and differentiates between the roadside locations which are remaining higher for longer than the background sites, which is reflected in the above list.



8. Actions to improve air quality

The Environmental Health service works closely with Development Management to ensure that appropriate air quality improvements are required by condition on planning application approvals. This includes standard conditions on all approvals for new accommodation with respect to electric vehicle charging points and extra

efficient boilers which produce low NO2 emission concentrations. Guidance on air quality & regeneration has been published and adopted by all Seven West Midlands Metropolitan Boroughs, while an Air Quality Supplementary Planning Document (SPD) has been adopted by the four Black Country Metropolitan Borough Councils. Dudley took the lead role in producing this document.

9. Use of Grant Aid for Air Quality Improvements

The Environmental Health service has been active and successful in applying for government grants to fund air quality improvement projects. The projects implemented to date are listed below;

- UK Government's Clean Vehicle Technology Fund, to enable ten coaches operated by Prospect Coaches of Lye to be modified with the latest pollution reducing equipment. The modified coaches are those used to transport children and students around Dudley Borough and so add to emissions in areas of concern and in the vicinity of schools and colleges.
- Defra's Air Quality Grant Programme to upgrade two cycle and pedestrian links across the A458 in Cradley.
- An anti-idling project funded by Defra to raise awareness at schools and provide information on Dudley Council's web site to reduce the idling of car engines outside schools.
- Government grant funding in 2019/20 to upgrade several sets of traffic lights to optimise signal changes and improvements to pedestrian crossings on Duncan Edwards Way, Dudley. In addition, road layout changes and signalisation work in Wordsley which was completed in March 2020 and the funding to retrofit catalytic converters or assist to replace older buses operating on services in Dudley and Wordsley, to be completed by the end of December 2020.

10. Working with Highways Engineers at Dudley MBC

The air quality measurements made by Environmental Health are supplied to colleagues working in Highways to inform them of the current air quality issues at locations where highway improvements are planned. This partnership working helps to focus resources on the locations where both transport and air quality improvements are required. The provision of air quality data to Highways Officers has assisted improvements to include;

- The provision and improvement of cycle and walking routes around the Dudley Borough.
- A growing network of electric vehicle charging points at public and private facilities.
- Improved provision of passenger information at key bus / rail interchanges, including improvements made to Merry Hill bus station in Brierley Hill.
- Air quality data is also being used to support the provision of the Midland Metro extension project to link Brierley Hill, through Dudley to Wednesbury.



11. Summary

Monitoring carried out has demonstrated that Air quality in Dudley Borough is continually improving, but there are still several areas where air quality needs to be further improved.

12. Air quality data collected and processed is used to inform projects and the ongoing work undertaken in Transport Services and Development Management to ensure that the best outcome for air quality improvements is achieved.
13. Continued and where necessary enhanced air quality monitoring will enable future resources to be focused on actions to progress the improvement in air quality across the whole Dudley Borough to achieve compliance with National Objectives as soon as possible.

Finance

14. Air Quality work is largely undertaken by 1.0 FTE officer with management support and located within the Environmental Safety and Health Team in Environmental Health and Trading Standards. The post is funded through the base budget.
15. In addition, there is an annual budget of £14,600 which funds the consumables, maintenance and repair of the air quality monitoring systems. This includes the contracts to service the equipment and purchase of the NO2 diffusion tubes.
16. All of the physical improvements to either highways or other infrastructure and other initiatives such as educational projects are undertaken when grant funding is successfully obtained. This is normally from Central Government, but funding has also been provided from Public Health reserves in the past.

Law

17. Dudley Council has a statutory duty under the provisions of the Environment Act 1995 to undertake air quality monitoring and where National Objectives for air quality are being, or likely to be, exceeded an Air Quality Management Area must be declared.
18. Once an Air Quality Management Area has been declared, section 84 of the Environment Act 1995 requires that Local Authority to publish an Air Quality Action Plan detailing the steps to be undertaken to achieve the National Air Quality Objectives.

Equality Impact

19. Improvement of air quality benefits all residents of the Dudley Borough. However there is a correlation between poorer air quality and health inequalities as areas with highest traffic pollutants largely correspond to more deprived areas within the Borough. This is because both areas are normally associated with dense urban



habitation rather than suburbs and semi-rural areas of habitation. Therefore, improvements in air quality are likely to be more advantageous to the residents of Dudley Borough who experience the highest level of inequality.

Human Resources/Organisational Development

20. There are no HR/organisational development implications arising from this report.

Commercial/Procurement

21. There are no commercial implications associated with this report. There are several contracts in place to enable the air quality service provision, they include a service, maintenance and calibration contract for the Air Quality Monitoring Stations (AQMS), a contract for the supply of the NO2 diffusion tubes and analysis of the data and a contract for data from the AQMS analysers to be collected and collated for Dudley Council. The appropriate contract procurement procedures are followed and compliance with Contract Standing Orders and Dudley MBC Financial Regulations are adhered to.

Health, Wellbeing and Safety

22. Air pollution is associated with a number of adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Additionally, air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. The continued and where necessary enhanced monitoring and reporting of air quality will have a positive impact on the health, wellbeing and safety of the Borough's residents. Use of air quality data to recommend enhanced requirements for new residential developments and to assist highways engineers in determining highway improvement schemes that will also provide the most effective improvement in air quality benefits the current and future regeneration of the Borough.



Bal Kaur
Acting Director of Public Health & Well Being

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Background Documents:
Air Quality pages on the council's website
<https://www.dudley.gov.uk/business/environmental-health/pollution-control/air-quality/>