



Department
for Environment
Food & Rural Affairs



Department
for Transport

Phil Edwards
1 Lancaster Circus
Queensway,
PO Box 14439,
Birmingham,
B2 2JE

19th March 2019
Ref. GD31/3627

Dear Phil,

Support for measures identified in the Birmingham City Council Full Business Case for tackling roadside nitrogen dioxide exceedances

I am writing to confirm I have received clearance to make a capital grant payment of £14,214,722.00 to Birmingham City Council under Section 31 of the Local Government Act 2003. I attach a signed Grant Determination Form. You will also receive separate letters regarding your revenue and capital awards under the Clean Air Fund.

This funding is to implement your local plan to reach compliance with legal limits for nitrogen dioxide in the shortest possible time. This was presented in the Full Business Case of your local plan submitted in January 2019 (with further information provided in February) to be a Charging Clean Air Zone Class D, complemented by additional measures. Subsequently, you have received a Ministerial letter and associated Ministerial Direction accepting the plan and requiring the council to implement it. The scheme and activities that are supported are listed in Annex B.

The conditions of the grant and the monitoring and reporting expectations are outlined in Annex B. The first reporting submission is expected by 30th June 2019 and subsequent quarterly submissions. If this funding is not exhausted delivering the projects set out in Annex B we will request it to be used for delivering air quality improvements and/or supporting individuals and businesses affected by local air quality plans.

Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require a variation. Your acceptance of the award of this grant payment will be made by signing the below. No other form of acknowledgement will be accepted. Please remember to quote the reference number in any future communications relating to this grant.

If you have any questions regarding this letter, please do not hesitate to contact Fiona Walters (fiona.walters@defra.gov.uk) and for finance questions please include Jonathan Woolley (jonathan.woolley@defra.gov.uk).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Jackson', with a long horizontal flourish extending to the right.

ANDREW JACKSON

JOINT AIR QUALITY UNIT

NO₂ PLAN IMPLEMENTATION FUND GRANT DETERMINATION 2019: No 31/3627.

The Secretary of State for Transport ("the Secretary of State"), in exercise of the powers conferred by Section 31 of the Local Government Act 2003, makes the following determination:

Citation

1) This determination may be cited as the NO₂ Plan Implementation Fund 2019 No 31/3627.

Purpose of the grant

2) The purpose of the grant is to provide funding to local authorities in England to implement their NO₂ plan to bring forward compliance.

Determination

3) The Secretary of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex A.

Grant conditions

4) Pursuant to section 31(3) and 31(4) of the Local Government Act 2003, the Secretary of State determines that the grant will be paid subject to the conditions in Annex B.

Treasury consent

5) Before making this determination in relation to local authorities in England, the Secretary of State obtained the consent of the Treasury.

Signed by authority of the Secretary of State for Transport.

Richard Bruce

Director of Energy, Technology and Innovation

19th March 2019

ANNEX A


Capital allocation for the 2018/19 financial year

Authority to which grant is to be paid	Amount of grant to be paid
Birmingham City Council	£14,214,722.00

Signed for on behalf of Birmingham City Council

Name	
Title	
Signature	
Date	

Signed for on behalf of the Joint Air Quality Unit

Name	JENNY WARID
Title	DEPUTY HEAD OF JAQU
Signature	
Date	19/03/19

ANNEX B: GRANT CONDITIONS

1. Grant paid to a local authority under this determination may be used only for the purposes that a capital receipt may be used for in accordance with regulations made under section 11 of the Local Government Act 2003.

2. The Chief Executive and Chief Internal Auditor of each of the recipient authorities are required to sign and return to the team leader of the Joint Air Quality Unit of the Department for Environment, Food, and Rural Affairs & Department for Transport a declaration, to be received no later than 31st December 2019 in the following terms:

“To the best of our knowledge and belief, and having carried out appropriate investigations and checks, in our opinion, in all significant respects, the conditions attached to ‘Support for local authorities implementing new measures for tackling roadside nitrogen dioxide concentrations’ No 31/3627 have been complied with”.

3. If an authority fails to comply with any of the conditions and requirements of paragraphs 1 and 2, the Minister of State may-

a) reduce, suspend or withhold grant; or

b) by notification in writing to the authority, require the repayment of the whole or any part of the grant.

4. Any sum notified by the Minister of State under paragraph 3(b) shall immediately become repayable to the Minister.

5. Reporting, monitoring and evaluation of measures in the local plan will need to be carried out in accordance with guidance which will be published on Huddle.

Birmingham City Council will be required to submit quarterly monitoring reports detailing progress with the implementation of the local plan until a year after compliance is demonstrated. The first reporting submission is expected by 30th June 2019. In addition to specific reporting on the measures, this will include the provision of:

- Existing air quality monitoring such as diffusion tubes and continuous analysers.
- Existing and planned relevant transport monitoring such as traffic surveys.

Evidence may also be requested to support use of funding, such as contracts, contractor reports, invoices and timesheets.

If any risks to the ability to meeting compliance as set out in the legal direction are identified JAQU must be notified as soon as possible and in advance of the reporting periods. The actions taken to mitigate this will need agreed with JAQU.

6. Should you require to change any element of the project this must be discussed with JAQU as soon as possible, any substantial change may require variation.

Grant projects

The funding awards have been made on the basis of the information submitted as part of your Full Business Case and we require you to deliver the measures in line with the information provided. This is to implement a class D charging Clean Air Zone (covering the geography outline in the Full Business Case) as well as additional measures as soon as possible and at least in time to bring forward compliance to 2021.

A high-level summary of the activities supported, their costs, implementation timelines, and monitoring and evaluation requirements has been included below. More detail is provided in Full Business Case submitted on 9 January 2019.

List of measures

Measure	Description	Implementation funding
Detailed design – additional measures	The local highways road network changes on Suffolk Street Queensway, Lister Street and Great Lister Street, parking schemes and associated costs such as street furniture and traffic management.	£2,798,748
Marketing and communications	Strategy to be actioned prior to the implementation of the CAZ in Birmingham to raise awareness and understanding of the scheme.	£831,931
Signage	The local highways road network signage requirements for the entry/exit points along the CAZ boundary, advanced warning they are approaching a CAZ and associated costs such as street furniture.	£2,211,548
Cameras solution	Delivering a network of ANPR cameras and associated infrastructure to capture all vehicles travelling within the CAZ. This will facilitate the charging of all non-compliant buses/coaches, taxis/private hire vehicles, HGVs, LGVs and cars travelling into, out of and within the CAZ.	£3,087,077
Back office payment and enforcement function (IT and staff recruitment and mobilisation)	System development activity to ensure the Council can operate and enforce the CAZ, including management and maintenance of white list (exemptions).	£1,555,483

Project management of implementation	Work associated with managing the CAZ implementation	£1,644,268
Risk allowance	To address the integration risks with the central CAZ system and to cover potential design changes/additional works as a result of civil surveys	£2,085,667
Total		£14,214,722

Implementation Timeline

January 2019	Camera contract commenced
February 2019	Marketing and communications to raise awareness commenced
Spring 2019	Registration of white list (exemptions) commenced
Spring 2019	Staff recruitment commenced
July 2019	Civil works for network changes commenced
September – December 2019	Testing of cameras and back office systems
January 2020	Solution live

