

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE CABINET MEMBER FOR ENVIRONMENT**

Decision Made: 03 December 2010

#### **Approval of finalised Air Quality Action Plan for submission to Defra**

##### **Issue for Decision**

To adopt the Maidstone Town Air Quality Action Plan and approve it for submission to Defra in accordance with the statutory responsibility placed on the Council.

##### **Decision Made**

That the Maidstone Town Air Quality Action Plan 2010 presented in Appendix A of the Report of the Director of Change, Planning and the Environment be approved for adoption and submission to Defra.

##### **Reasons for Decision**

Maidstone Borough Council has a statutory duty to periodically review air quality within its area – a process known as Local Air Quality Management (LAQM). This process involves the assessment of both current, monitored air quality levels and future predicted air quality levels. To date, LAQM has identified the main source of air pollution in the borough is attributable to road traffic emissions due to traffic flows and congestion on key areas within the local road network, notably the M2, M20, A20, A229, A249, A26 and A274. To date 5 hotspot areas have been confirmed as exceeding the NO<sub>2</sub> annual mean air quality objective. In 2001 a single hotspot area along the M20 was identified, a further hotspot in and around the town centre was identified in 2005. Since then a further three hotspots have been confirmed at the Well Road/Boxley Junction, the Fountain Lane/Tonbridge Road junction and the Loose Road/Sutton Road (Wheatsheaf) junction.

To address the issues related to these five confirmed of exceedence, an Air Quality Management Area (AQMA) was declared in August 2008. Since then the Further Assessment (FA), which is the technical support for the Air Quality Action Plan (AQAP), has been undertaken and submitted to Defra. An Update and Screening Assessment (USA) and a progress report have also been produced and submitted to Defra. Both the FA and USA have been used to help develop the air quality action plan which identifies

measures and actions required to manage air quality within the AQMA and specifically the hotspot areas.

The FA and USA also identified 3 further sites potentially exceeding the annual NO<sub>2</sub> objective and a further two sites which are currently being investigated for the exceedence of the hourly NO<sub>2</sub> objective.

In order to reduce pollutant levels below the Air Quality Objective levels required by European legislation, areas like Upper Stone Street requires an 88% reduction in NO<sub>2</sub> concentrations and the Loose Road/ Sutton Road junction requires a 51% reduction, whereas some junctions like the Tonbridge Road and Fountain Lane junction only require a 4.8% reduction in NO<sub>2</sub> concentrations to fall below the acceptable annual mean level for NO<sub>2</sub>.

The AQAP sets out a series of measures which target hotspot areas in order to reduce NO<sub>2</sub> emissions by the required amount. However, the Council is not in a position to address these issues as many of the contributing factors are managed and influenced by other agencies. Since the declaration of the AQMA in August 2008 the Council has continued to work in partnership with internal and external stakeholders through the Air Quality and Transport Steering group. This has enabled the Council to produce annual progress reports to Defra. The proposed finalised action plan incorporates all of the schemes that are already underway and has identified new partnerships and new opportunities.

The AQAP sets out which external partners (stakeholders) are involved in the delivery of each measure and provides indicators for assessing progress in achieving the Air Quality Objectives and reporting progress annually (to both Defra and internally). As well as setting out measures specific to the AQMA, the AQAP also sets out measures for Borough wide air pollutant emissions reductions in line with the Council's sustainability aims outlined in the Sustainable Community Strategy and in support of the Council's carbon emissions reduction targets.

The AQAP (as attached at Appendix A of the Report of the Director of Change, Planning and the Environment) has been written with the support of the Maidstone Air Quality and Transport Steering group, many of whom are key stakeholders and partners who will need to take action to deliver this challenging programme of measures.

The AQAP also supports the Council's Carbon aspirations and statutory responsibilities as many measures to reduce air quality pollutants, also reduce carbon emissions.

The draft AQAP was approved for submission to Defra and for public consultation on the 15<sup>th</sup> April 2010 and was subsequently sent to Defra. Between April and September, the Environment and Transport Overview and Scrutiny Committee, Members, Stakeholders and public were consulted on the draft and their responses have been collated (see Appendix 2 of the AQAP) and included in the document where appropriate. The amendments are minor and show considerable support for this action plan.

An update of progress regarding the Maidstone Town Air Quality Action Plan was presented to the Environment and Transportation Overview and Scrutiny Committee on the 19<sup>th</sup> October 2010. They recommended that:

- a) A lead officer be included in the action plan for each action;
- b) The possibility for tougher actions, including the introduction of low emissions zones, traffic orders and other tools be explored alongside the potential for bids for funding of these actions;
- c) Dates of new planning documents covering air quality, such as an Air Quality Supplementary Planning Document, be notified to the Committee when known; and
- d) That the final version of the plan be circulated to the Committee.

It is recommended that a) is rejected for practicality reasons. There are 37 lead officer from a range of external organisations and internal departments and although it may be possible to obtain consent from all of them to publish the table of measures with lead officer contact details included, it is likely that this list will be out of date as soon as it is published due to the frequency of organisational and personnel changes that take place. Therefore, it was proposed that the Maidstone air quality and transport steering group, managed by environmental health's pollution control team, be used for accessing lead officers as they are all either members of the steering group or in regular contact with the steering group. Lead Officers for measures can then be approached directly through this mechanism.

Recommendation b) has been included in measure 1.

Recommendations c) and d) will be implemented as soon as the information is available for circulation.

#### 1.1.1 Table of changes

	<b>Page number</b>	<b>Final Maidstone Town AQAP</b>
1	1	Title Page & headers changed: "draft" removed
2	14	Section 3 Considerably redrafted to reflect planning policy changes since draft of April 2010, namely removal of the South East Plan.  Updated Climate Change section to include MBC's recent involvement with the Carbon Trust's Local Carbon Management Programme.
3	22	Section 5 added sentence giving example of how the cost benefit matrix works
4	22	Replaced section 5.1 "Scenario testing of potential traffic measures in the AQMA with " Quantification of the Action Plan"
5	22	Updated Section 5.2 Health Impact Assessment
6	26	Paragraph 2 regarding the High street redevelopment - added sentence highlighting the redevelopment

		opportunities for air quality initiatives.
7	31	Reworded measure 31 to include walking as well as cycling
8	33	Strengthened wording for actions associated with measure 1.
9	33	Included recommendation b) from October 19 <sup>th</sup> Overview and Scrutiny meeting.
10	35	Measure 10 removed reference of procurement strategy which has been approved. Strengthened actions by requiring target setting for fleet engines.
11	42	Strengthened Measure 26 by adding extra action to action to "develop quantifiable baseline statistics for both KCC & MBC"
12	40	Measure 29: removed KCC from lead Authority Column.
13	41	Measure 30 - Updated lead authority column based on comments from relevant statutory consultee.
14	50	Filled in Appendix 1
15	53	Added details of consultations in Appendix 2
16	Appendix 3	Included Final version of the Health Impact Assessment as Appendix 3
17	Appendix 4	Included copies of the public consultation leaflet and questionnaire as Appendix 4

### **Alternatives considered and why rejected**

To refuse the approval of the Air Quality Action Plan (AQAP) is not recommended, as the AQAP is due for submission to Defra within 6 months of the draft AQAP (submitted in April 2010). Any refusal would delay this submission.

To propose a different set of actions at this stage, however this is not recommended as this version has been agreed with all the key stakeholders and would result in considerable delay in driving the Action Plan forward.

Once this finalised Air Quality Action has been submitted to Defra, any changes or suggestions can be incorporated at any time through the Air Quality and Transport Steering Group and be reported to Defra in the Annual Progress report. Therefore this should not be a reason for delaying the decision.

### **Background Papers**

None

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Head of Change and Scrutiny by: xxxxxxxxxx.

