

MAIDSTONE BOROUGH COUNCIL

CABINET MEMBER FOR THE ENVIRONMENT

REPORT OF ASSISTANT DIRECTOR OF REGULATORY AND ENVIRONMENTAL SERVICES

Report prepared by John Newington

Date Issued: 06 October 2011

1. Approval to Accept Defra Air Quality Grant 2011/2012]

1.1 Key Issue for Decision

1.1.1 To consider the Defra air quality grant proposal (2011/2012) (Attached in Appendix A and Appendix B) and consider whether to accept the awarded grant (Appendix C) under the DEFRA terms and conditions (Appendix D).

1.2 Recommendation of Assistant Director of Regulatory and Environmental Services

1.2.1 That the Cabinet Member accepts the awarded DEFRA air quality grant (2011/2012) and agrees to countersigning the agreement contract (Appendix D).

1.3 Reasons for Recommendation

1.3.1 The Maidstone Air Quality Action Plan (MAQAP) was approved by the Cabinet Member on 3rd December 2010. Part of that commitment (Measure 1 of the MAQAP) states that MBC will:-

“Source funding and carry out a feasibility study investigating the potential for the use of traffic orders or Low Emission Zones for the hotspot areas.

This grant fulfils that commitment and moves the MAQAP forward.

1.4 Historical Background

1.4.1 The MAQAP was developed with the involvement of the Maidstone Air Quality and Transport Steering Committee which includes relevant internal and external stakeholders.

1.4.2 The draft MAQAP was considered by Environment and Transportation Overview and Scrutiny Committee on 19th October 2010 and one of

their recommendations was to include “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”.

1.4.3 As a result of the consultation exercise measure 1 included the following action:

“Source funding and carry out a feasibility study investigating the potential for the use of traffic orders or Low Emission Zones for the hotspot areas”.

1.4.4 The final version of the action plan was approved by the Cabinet Member on 3rd December 2010, submitted to DEFRA and has since been approved by them.

1.4.5 In order to deliver this action MBC applied to DEFRA for an air quality grant to investigate the feasibility of low emission schemes, including low emission zones (LEZ) in key areas of the town centre (grant application included in Appendix A).

1.5 Project Output

1.5.1 Maidstone Borough Council has been proactive in the Local Authority Low Emission Partnership. Despite emission reduction efforts, NO₂ concentrations remain above the EU Limit Value in many parts of the Borough. The Air Quality Action Plan outlines a range of measures that will be investigated. Work is already being undertaken to quantify the included measures to show what air quality benefits could be realised.

1.5.2 This project will build on the above work and focus more specifically on the potential of low emission schemes and low emission zones in the most polluted hotspots in Maidstone. It would define the potential schemes that could be implemented (given the vast number and scope of different types of low emission zones and low emission schemes) and would provide an evidence base to assist policy makers and decision makers. It delivers against Measure 1 of the AQAP which seeks to investigate the feasibility of low emission zones and schemes in Maidstone. The scoping phase of this project will ensure that any proposals that come forward must be achievable, affordable and in accordance with the council’s priorities.

1.5.3 The proposed project includes:

- 1) An inception phase: A short consultation period with the client steering group (e.g. main stakeholders including transport planners and environmental officers from the Council) to a)

understand the overall emphasis or preference for either low emission zones or schemes and b) to share with them our experience and knowledge to help steer later phases of work. Stakeholder consultation should begin and continue throughout.

- 2) A scoping phase: Work to assess the potential benefits of several options and to prioritise them with the steering group. At this stage screening tools are appropriate and the priority is to quantify the potential emissions reductions and air quality benefits of the options. Approximate health benefits, implementation and enforcement feasibility issues could also be stated. At this stage any proposals that come forward will be screened to ensure they are achievable, and in accordance with the council's priorities. At the detailed stage the cost /benefit analysis of these projects will be assessed to ensure that they are also affordable.
- 3) A detailed assessment phase: A small number of preferred options are taken forward from the scoping phase and a full analysis of each is done. A high level of quantitative detail is possible depending on the traffic and stakeholder data available.

1.5.4 The key benefit of this project is to provide the evidence base for local decision makers to support the aims of the MAQAP and support the developing Integrated Transport Strategy and Car Parking Strategy. It is envisaged that the key areas of focus will be in addressing bus/taxi emissions in the High Street as well as the general volume of traffic: particularly HGVs on the A229 primary route that runs north to south through the middle of the town. Measures to be considered will be set during the inception and scoping phase and may include:

- travel planning,
- HGV re-routing and
- the emissions management of buses.
- Low emission zones of many varieties, drawing on the experiences of UK towns and cities that already have low emission zones in place (eg Norwich, Cambridge, Oxford and London)
- introduction of electric vehicles,
- car share schemes,

1.5.5 These are all feasible in Maidstone but the impact of their introduction on emissions requires quantifying, along with the cost and benefits in monetary terms. Such robust evidence based on local data is necessary to decide on the most cost effective options to move forward into the realms of policy setting.

- 1.5.6 The Project will help to provide practical solutions with robust cost benefit analysis to use as a platform to secure future funding to assist in implementing the right scheme(s) for Maidstone. It will ensure that any proposals that come forward must be achievable, affordable and in accordance with the council's priorities.
- 1.5.7 The outcomes of this project directly delivers against Measure 1 of the MAQAP which seeks to investigate the feasibility of low emission zones and schemes in Maidstone. It will also provide a robust evidence base to assist policy makers and decision makers. It is hoped that this project can be used to support the developing Integrated Transport Strategy (in development for the Core Strategy(CS)) on its route towards adoption in the Spring 2013.
- 1.5.8 The project plan and the scoping of the objectives set out within that plan will be key to the whole enterprise and have been written to ensure that we will not be volunteering the council for any proposals which could clearly conflict with our existing policies, such as those relating to planning and regeneration (see Appendix B).
- 1.6 DEFRA Contract Timeline
- 1.6.1 The Council were awarded the full £40K grants from DEFRA (appendix C). Following meetings with the Cabinet Member for the Environment (31st August 2011) and CMT (6th September 2011) it was agreed that a Project Plan should be produced and submitted to DEFRA, which was sent on 12th September 2011.
- 1.6.2 DEFRA will review the project proposal and if they are satisfied with the Project Plan they will formally award the grant by sending the Council a signed terms and conditions agreement for countersigning (Appendix D).
- 1.6.3 Legal Services reviewed the terms and conditions of the award contract and state that they "cannot find anything in the terms and conditions which will fetter us in our future policies, and implementation of those policies for the town" and that the "terms and conditions relate more specifically to the use of the grant, and the production of the report".
- 1.6.4 Once DEFRA return the agreement contract and it is countersigned by MBC, DEFRA will release the funds and the project can start (Early Part of December 2011).
- 1.7 Alternative Action and why not Recommended
- 1.7.1 Not accepting the awarded grant is not recommended as it would go against the previous Cabinet Member decision and contradict the

MAQAP, leaving many questions regarding the quantification of air quality improvements unanswered. This would make it difficult to identify which sustainable transport schemes will provide air quality improvements in the future.

1.8 Impact on Corporate Objectives

- 1.8.1 It provides important information to support decision makers in making Maidstone a decent place to live.
- 1.8.2 It supports the development of a sustainable transport system which will support a thriving and growing economy.
- 1.8.3 It delivers on an action of the MAQAP which delivers corporate and customer excellence.

1.9 Risk Management

- 1.9.1 There is a risk that the study will highlight schemes that will benefit air quality improvements but would not be economically practical to implement and therefore not materialise. To address this the inception and scoping phase of the project will include key stakeholders and will direct the feasibility studies. Cost Benefit analyses will help identify a practical way forward, in order to ensure that this project can be used as a platform to secure future funding and provide the practical solutions that make local sense.

1.10 Other Implications

1.10.1

1.	Financial	X
171.	Staffing	
172.	Legal	X
173.	Equality Impact Needs Assessment	
174.	Environmental/Sustainable Development	X
175.	Community Safety	
176.	Human Rights Act	
177.	Procurement	
178.	Asset Management	

1.10.2 Financial

The DEFRA grant is for £40K and if accepted the funds will be received by December 2011. The funding will cover all aspects of the project, including the inception and the scoping phases which will determine which low emission schemes will be investigated. It will also cover the cost of carrying out detailed assessments of the scoped schemes using advanced modelling methods which will provide cost benefit, health impact assessment and quantification of air quality benefits. (full details can be seen in Appendix A & B).

The project is funded by DEFRA and will follow corporate procurement policy and therefore there are no financial implications for the council with this project.

This project does not commit the council to future funding of any of the investigated schemes. Implementation of any of the schemes investigated would require independent funding through future grants or partnership working.

There is the possibility that European fines may be issued to the UK for failure to achieve the annual nitrogen dioxide air quality objective. In the Localism Bill the initial drafts suggest that there may be a mechanism included to pass those fines to a local level, either at a county or district level. MBC has a duty to work towards achieving the Air Quality Objectives and not to achieving them. This project would provide evidence that the Council is taking its statutory role seriously and doing all it can.

1.10.3 Legal

The agreement will be re-checked on its receipt from DEFRA and counter – signed.

1.10.4 Environmental/Sustainable Development

The MAQAP provides a direction for action. This project will provide a more robust evidence base in order to help decision makers deliver greater sustainability and potentially, better economic growth.

1.11 Relevant Documents

1.11.1 Appendices

Appendix A Maidstone BC Air Quality Grant Application 2011
Appendix B Maidstone BC Project Plan Sept 2011

Appendix C DEFRA Award Letter
Appendix D DEFRA Agreement Contract
1.12 Background Documents

1.12.1 None

IS THIS A KEY DECISION REPORT?

Yes

No

If yes, when did it first appear in the Forward Plan?

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This is a Key Decision because:

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Wards/Parishes affected:

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How to Comment

Should you have any comments on the issue that is being considered please contact either the relevant Officer or the Member of the Executive who will be taking the decision.

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