

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET

Decision Made: 12 March 2008

DETAILED ASSESSMENT – AIR QUALITY MANAGEMENT AREAS

Issue for Decision

To consider the recent Detailed Assessment report submitted and approved by DEFRA 2007 and to note the requirement to declare further areas of the Maidstone Borough as an Air Quality Management Area (AQMA);

To consider the report entitled “Report to Outline the Options regarding the Declaration of a New or Amended Air Quality Management Area(s)” which details four options for an MBC AQMA based on current legislation, guidance, in-house expertise and external consultation.

Decision Made

1. That the Order for the Maidstone M20 AQMA be revoked and amend the current town centre AQMA, on the basis of NO₂ and PM₁₀ pollutants, to include the majority of the built-up area and M20 between Junctions 6 to 8 (as outlined in Environmental Enforcement’s AQMA Options Report: MBC AQMA Option 1: an amended Maidstone town AQMA consisting of the majority/entire built-up area).
2. That, in view of this week’s Government announcement on its Air Quality Grant programme for 2008/09, the Council make a bid in accordance with the criteria to support the Council’s work on Air Quality Management, particularly with regard to the new AQMA.

Reasons for decision

Under Part IV of the Environment Act, 1995, the local Authority has a statutory duty to periodically review and assess the air quality within their area. This involves consideration of present and likely future air quality against air quality standards and objectives. The process by which this is done is called local air quality management (LAQM) review and assessment.

The current round of review and assessment identified Air Quality Objective exceedences (i.e. hotspots) at three locations. All three are related to major junctions or funnelling effects along roadways:

- NO₂ (nitrogen dioxide) on Fountain Lane at the junction with Tonbridge Road,
- NO₂ on Well Road,
- NO₂ at the junction of Loose Road and Sutton Road.

Having identified these exceedences the Local Authority, under Part IV of the Environment Act, 1995, has a statutory duty to either declare further new, and/or amend the current Air Quality Management Areas (AQMA(s)), to at least cover

the part of the Borough where the objectives are currently unlikely to be met by 2010.

In light of this, 4 AQMA boundary options have been identified with Option 1 being the recommended option (details and maps can be found in Appendix A to the Report of the Assistant Director of Regulatory and Environmental Services - AQMA Options report February 2008 between pages 7-13):

- Option 1: An amended Maidstone town AQMA consisting of the majority/entire built-up area.
- Option 2: An amended Maidstone town AQMA consisting of a mixture of areas plus radial roads.
- Option 3: 3 new geographically separate hot spot areas would each be declared as distinct and separate AQMAs.
- Option 4: Declaration of the whole Borough.

The Air Quality Management Area (AQMA) is an air quality action zone within which:

- Ways to improve air quality are actively sought, planned for and coordinated.
- Ways and means of maintaining improvements in air quality are also sought, planned for and coordinated.
- By declaring an AQMA the vulnerability of an area to poor air quality is recognised and ways to address the problems and help safeguard future air quality are actively sought and carried out through the implementation of an Air Quality Action Plan

The recommended Option 1 AQMA boundary (detailed in appendix A of the Report of the Assistant Director of Regulatory and Environmental Services - Environmental Enforcement's AQMA Options Report February 2008) includes the majority of the built-up area and M20 between Junctions 6 to 8. It is considerably larger than the identified hotspot areas. It is important to realise that the AQMA is an air quality action zone within which improvements in air quality are planned for and managed. Therefore the boundary of an AQMA may be wider than the extent of those areas where the Air Quality Objective is likely to be exceeded. Option 1 best achieves the AQMA functions listed above. Option 1 has financial savings associated with it has the support of our Air Quality consultant and the Air Quality Steering group which includes internal departments and external partners (e.g. KCC transport Planners, Highways Agency).

Once an AQMA has been declared the next stage of dealing with the identified problem hotspots is to create an Air Quality Action Plan that directly and indirectly addresses those causal factors.

The Action Plan is developed following declaration of the AQMA and is informed by a Further Assessment which focuses on the root causes of the identified hotspot exceedences. This process will take approximately 12-18 months to complete, however, a preliminary Action Plan has been drafted and will act as the starting point. A summary of the potential actions are contained within the background document entitled 'Example Air Quality Action Plan'.

The preliminary example Action Plan has been developed by using the current Town Centre and M20 AQAP, from discussions with the Head of Operations and the Air Quality Steering Group (the steering group includes KCC Local Transport Planner, Highways Agency, MBC's Planning Policy, Planning DC, Private Sector Housing (to name a few). It identifies five main areas for action

1. Traffic flow.
2. Green Travel.
3. Street scene.
4. Partnership working.
5. Other measures.

Option 1 enables MBC to take this holistic approach and incorporate it into the Air Quality Action Plan in order to effectively deal with these complex issues. This option enables MBC to best achieve the criteria which define an AQMA set out above.

As part of the work on the development of the Action Plan, it will be necessary to examine what effect the measures to reduce pollution will have on the economic vitality of the town. It will also be necessary to examine and understand the ramifications on future land use and the regeneration of the inner urban area. This will require there to be a balance between air quality measures and other impacts. Part of this balance will be achieved through the use of Health Impact Assessments, which assess the full benefits of a reduction in pollution on the overall health of residents.

At this stage the Action plan does not include more radical actions such as low emission zones, congestion charging or parking permit charges as we do not feel that the MBC situation warrants such far reaching measures. To date the situation in the Maidstone Borough is not comparable to the London Boroughs where such measures have been adopted. This situation may change in the future if air pollution levels rise in the future.

Our approach is supported by our Air Quality consultant who states that:

“With regard to the future review and assessment work, there are likely to be further areas in the Maidstone urban area that will be highlighted as requiring more detailed assessment work. For instance, the increasing trend of primary NO₂ from vehicle emissions is expected to flag up new problem areas once the new emissions factors are incorporated into air quality models. The expected reduction in NO₂ concentrations with time, as used in calculations for projecting forward in previous assessments, is unlikely to be realistic as a result of this trend. New monitoring sites being installed are already indicating wider potential exceedence issues. Future development proposals in the area are likely to add to the traffic emissions and air quality issues in the urban area.

In the light of this, the recommended approach would be to incorporate a larger area than the three new hotspots identified, and it is an approach which is increasingly being taken by local authorities who are faced with multiple AQMA designations in an urban area. From a public perspective, one AQMA in relation to traffic emissions encompassing the town centre is likely to be easier to identify with, than numerous AQMAs declared around individual junctions. Certainly any measures through Air Quality Action Plans and the Local Transport Plans will need to address the wider urban area traffic issues to resolve these air quality issues. Such an approach also allows closer consideration to development proposals in the urban area likely to impact on air quality, through requirements for Air Quality Assessments. In addition, future review and assessment work should be less time consuming and costly, as, when an area has already been declared within an AQMA, further detailed work would not be required. It should be noted, however, that as the three new hotspots are for NO₂ exceedences only, if an extended town centre AQMA area is declared for both pollutants NO₂ and PM₁₀, the Further Assessment and AQAP for this new AQMA will need to consider both pollutants (i.e. there will be a cost implication at that stage).”

Option 1 will make future financial savings for the Council, as each time new hotspot areas are identified, further detailed work is required. New hotspots are likely to be found each year through MBC's Statutory Duty under Part IV of the Environment Act, 1995. It is estimated that detailed assessment, further assessment and action planning for each hotspot identification will cost approximately £8000. By adopting Option 1 it is likely that the new hotspots would be covered by the Action Plan associated with this Option 1 AQMA. MBC would therefore not be required to carry out any further review and assessment of the newly identified hotspots, assuming they occur within the declared AQMA boundary. Over the next 5 Years this could potentially save the Council up to £40,000 assuming that one or more hotspots are identified each year. The rate at which we are identifying newly developing hotspots is not easy to predict but at least 1 site per year is not unreasonable based on records to date.

Supplementary monitoring carried out since the Detailed Assessment has indicated the possibility of further poor air quality areas which would be included within the Option 1 AQMA boundary. As stated previously this will save MBC further expense in the near future.

Option 1 also takes account of some of the uncertainties inherent in the modelling of air pollution.

Kent Perspective: The blanket designation approach has been adopted (to a smaller degree) by other Authorities in Kent including Sevenoaks and Dover. Both these Authorities and Dartford are looking at the possibility of either amending their current AQMAs into wider blanket designations or declaring new blanket designations as more hotspots arise or are detected within their areas in the future. Details can be found in Appendix A of the Report of the Assistant Director of Regulatory and Environmental Services - "Environmental Enforcement's AQMA Options report February 2008" (pgs 27-32).

National Perspective: Cambridge, Brent, Oldham, Bromley, Rugby Dundee, Perth and Mid-Devon are all examples where this type of blanket designation (Option 1) has been adopted. Consultations with these Authorities were undertaken and details can be found in Appendix A of the Report of the Assistant Director of Regulatory and Environmental Services - 'AQMA Options report February 2008' (pgs20-27).

Option 1 has the added benefit of potentially assisting MBC in achieving its Climate Change Goals as traffic flows, congestion, sustainable development, and green travel planning highlighted within the AQAP (see appendix B of the Report of the Assistant Director of Regulatory and Environmental Services - Example Air Quality Action Plan) are also key to achieving MBC's Climate Change goals.

As a result of enlarging the Town Centre AQMA it will be important to ensure that the right message is sent out to the public in order to prevent unfounded adverse reaction. In order to achieve this a communication strategy is being developed in co-ordination with the communications department and will be in place for the 12th March and this cabinet committee. The Strategy is under development but will include a press release following this committee meeting and, subject to budgetary limitations, private and investor sector consultations.

Alternatives considered and why rejected

Reject Option 1 and recommend one of either Option 2, 3 or 4 detailed in Environmental Enforcement's AQMA Options report 2008:

- Option 2: An amended Maidstone town AQMA consisting of a mixture of areas plus radial roads.
- Option 3: 3 new geographically separate hot spot areas would each be declared as distinct and separate AQMAs.
- Option 4: Declaration of the whole Borough.

These Options are not recommended for the following reasons:

- Option 2 does not take into account newly arising/detected and potentially poor air quality areas. This will lead to greater financial burdens in the future.
- Options 2 and 3: artificially precise lines dividing up the town make it harder to define the AQMA boundary to people, harder to communicate the message regarding air quality and harder to administer.
- Options 2 and 3: there may be a perception that individual properties within the town are being discriminated against.
- Options 2 and 3: do not take into account how all areas within the town can feed into and affect others, particularly with regard to development.
- Options 2 and 3: the town AQMA may have to be amended in the future in order to take account of each and every newly arising/detected areas of poor air quality (hot spots) identified through the Air Quality Review Process.
- Options 2 and 3: the declaration of smaller AQMAs could result in problems being shifted from one part of the transport network to another within the Maidstone Town conurbation.
- Supplementary monitoring carried out since the Detailed Assessment has indicated the possibility of further poor air quality areas which would NOT be included within the boundaries of either Options 2 or 3.
- Options 2 and 3: the piecemeal declaration of major junctions/routes and/or areas within the town could make it difficult to produce an integrated Air Quality Action Plan for the town, which should aim to tackle the major problems of congestion.
- Options 2 and 3: do not allow for any uncertainty associated in predicting the full extent of areas affected by elevated pollution levels. The preferred Option 1 does.
- Option 4: is normally applied by LAs with highly built-up urban areas, whereas Maidstone Borough is a mixture of urban, semi rural and rural areas. The disadvantage of Option 4 is that the focus of air quality issues will not be directed at the more vulnerable areas within the borough.

A further alternative would be to do nothing. This is not feasible as the Local Authority has a Statutory Duty to act on the findings of its Detailed Assessment Report (2007).

Background Papers

MBC Detailed Assessment (DA) report February 2007.

MBC Updating and Screening Assessment (USA) report April 2006.

These documents are available at the Council offices.

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 Scrutiny Manager by: **20 March 2008.**