

AGENDA

COMMUNITIES, HOUSING AND ENVIRONMENT COMMITTEE MEETING



Date: Tuesday 16 June 2015
Time: 6.30 pm
Venue: Town Hall, High Street,
Maidstone

Membership:

Councillors D Mortimer, Newton, Mrs Parvin,
Perry, Mrs Ring (Chairman),
Mrs Robertson, Webb, Webster and
J.A. Wilson

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1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers

Continued Over/:

Issued on 8 June 2015

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**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
8. Presentation of Petitions (if any)
9. Question and answers from members of the public
10. Minutes of the Meeting Held on 26 May 2015 1 - 2
11. Low Emission Strategy 3 - 12

MAIDSTONE BOROUGH COUNCIL

Communities, Housing and Environment Committee

MINUTES OF THE MEETING HELD ON TUESDAY 26 MAY 2015

Present: Councillors Burton, D Mortimer, Newton, Mrs Parvin,
Councillor Mrs Ring (Chairman),
Mrs Robertson, Round, Webb and Webster

Also Present: Councillors Ash, Blackmore, Brice,
Burton, Chittenden, Cox, Ells, English,
Fissenden, Fort, Garland, Gooch,
Harwood, Hemsley, Hinder, Joy,
McKay, McLoughlin, Munford, Naghi,
Paine, Paterson, Pickett, Ross, Round,
Sargeant, Springett, Stockell and F
Wilson.

1. **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors JA Wilson and Perry.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS.**

The following Substitute Members were noted:

- Councillor Burton
- Councillor Round

3. **NOTIFICATION OF VISITING MEMBERS.**

The following Members were in attendance as observers:

Councillors Ash, Blackmore, Brice, Burton, Chittenden, Cox, Ells, English, Fissenden, Fort, Garland, Gooch, Harwood, Hemsley, Hinder, Joy, McKay, McLoughlin, Munford, Naghi, Paine, Paterson, Pickett, Ross, Round, Sargeant, Springett, Stockell and F Wilson.

4. **ELECTION OF CHAIRMAN.**

RESOLVED: That Councillor Mrs Ring be elected as the Chairman for the Municipal Year 2015/16.

5. **ELECTION OF VICE-CHAIRMAN.**

RESOLVED: That Councillor D Mortimer be elected as the Vice-Chairman for the Municipal Year 2015/16.

6. **DURATION OF MEETING.**

18:40 p.m. to 18:45 p.m.

COMMUNITIES, HOUSING & ENVIRONMENT COMMITTEE

16 June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Low Emission Strategy

Final Decision-Maker	Communities, Housing & Environment Committee
Lead Director or Head of Service	John Littlemore Head of Housing & Community Services
Lead Officer and Report Author	Dr Stuart Maxwell
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

1. The Committee agrees the proposed themes and action plan for the Low Emission Strategy attached as Appendix A for consultation with stakeholders and members of the public.
2. That the Committee instructs the Head of Housing & Community Services to report back to the Committee with the result of the consultation and the draft Low Emission Strategy for approval by the Committee no later than December 2015.
3. The Committee notes that the Carbon Management Plan 2009 is being reviewed and updated, and a report on progress is being prepared. The committee agrees that an updated Carbon Management Plan will be prepared and incorporated into Low Emission Strategy.

This report relates to the following corporate priorities:

- Great Place

Timetable

Meeting	Date
Corporate Leadership Team	2 June 2015
Policy and Resources Committee	
Council	
Other Committee	

Low Emission Strategy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Maidstone Borough Council is developing a Low Emission Strategy. The purpose of this report is to explain the rationale behind the Low Emission Strategy, the issues driving its development, and its main aims.
 - 1.2 The Low Emission Strategy will enable the council to develop a new action plan that is more aligned to the council's responsibilities, available resources and to reflect the latest Strategic Plan.
 - 1.3 It is intended that the Low Emission Strategy will evolve to encompass the relevant parts of the Carbon Management Plan, which is over 6 years old and in need of refreshing. This will ensure that the key actions from both documents have a synergy that is tailored to what can be reasonably expected of a district council to deliver.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is developing a Low Emission Strategy in response to high levels of air pollution in specific parts of the Town. The Council has designated an Air Quality Management Area (AQMA) covering the whole urban area due to elevated concentrations of Nitrogen Dioxide (NO₂) near residential properties in six areas of the Borough. NO₂ levels at key locations near to major roads and junctions remain above the EU Limit Value with no discernible downward trend.
- 2.2 The predominant source of these elevated levels is the emissions of oxides of nitrogen (NO_x) from road transport vehicles. Road transport vehicles are also a significant source of fine particulate concentrations in Maidstone.
- 2.3 Two issues are driving the development of the Low Emission Strategy, namely:-
 - The UK is now in breach of the EU Air Quality Directive and infringement proceedings have commenced. The level of fines could reach 400 million Euros and under the reserve powers of the Part 2 of the Localism Act 2011, these fines can be passed on to any public authority whose act or omission has contributed to these breaches. It is therefore important that Maidstone Borough Council is seen to be taking the necessary steps to ensure that the EU limit values are met.
 - From a Public Health point of view, It is estimated that approximately 5.1% of deaths in Maidstone (72 deaths per annum) are attributable to fine particulate concentrations (less than 2.5 microns in size). Poor air quality affects children and the elderly disproportionately and results in increased hospital admissions.

- 2.4 The Maidstone Carbon Management Plan states that 35% of all Carbon Dioxide (CO₂) emissions caused by Maidstone Borough Council are due to fleet operations and business travel with little progress made in reducing these emissions over the period of the Plan. The Council considered introducing a Low Emission Zone for the urban area; however, analysis showed that the costs would outweigh the potential benefits in the exceedance areas. Therefore, the Low Emission Strategy (LES) which is being developed, will not only help improve health and the environment but will align better with the resources and direct influence that the council can bring to tackling the global issues.
- 2.5 The aims of the Low Emission Strategy are as follows:-
- a) To achieve a higher standard of air quality across Maidstone.
 - b) To embed an innovative approach to vehicle emission reduction through integrated policy development and implementation in Maidstone and across the region
 - c) To improve the emissions of the vehicle fleet in Maidstone beyond the 'business as usual' projection, through the promotion and uptake of low and ultra low emission vehicles
 - d) To reduce emissions through an integrated approach covering all appropriate municipal policy areas. Under each area, specific actions aimed at reducing emissions will be included.
- 2.6 The key areas on which the council proposes to consult are covered in Appendix A of this report.
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3. AVAILABLE OPTIONS

- 3.1 The council could choose to consult on and adopt a new Low Emission Strategy, incorporating an updated Carbon Management Plan, in order to provide an improved approach to tackling poor air quality within the Borough. This would enable the council to take an approach that is balanced against the resources available and pitched at a level commensurate with a district council.
- 3.2 The council could decide to do nothing but the UK is now in breach of the EU Air Quality Directive and infraction proceedings have commenced. The level of fines could reach 400 million Euros and under the reserve powers of the Part 2 of the Localism Act 2011, can be passed on to Local Authorities. By not having a plan or strategy in place the council is more vulnerable to being made a party to these fines, as they can be passed on to any public authority whose act or omission has contributed to these breaches.
- 3.3 The council could retain the existing Carbon Management Plan; however, many of the projects contained in it have been completed, so it is now in need of a thorough overhaul. It is suggested that a better approach would be to review the Carbon Management Plan, and henceforth deal with Carbon Management

actions under the Low Emission Strategy, as this better focuses the Council on what is achievable.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is for the Council to choose to consult on and adopt a new Low Emission Strategy, incorporating an updated Carbon Management Plan, in order to provide an up to date approach to tackling poor air quality within the Borough. The Low Emission Strategy would include actions under a wide range of areas of the Council's influence, and thus should achieve better results than a narrower plan just focussed on traffic. These areas are discussed in Appendix A.
- 4.2 The Low Emission Strategy would help Maidstone Council to demonstrate that it is taking air quality problems and their associated Public Health issues seriously, and should help to protect the Council from the imposition of any fines for breaching EU Air Quality limits.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 It is proposed that the key themes contained within Appendix A are used as the bases for consulting with key stakeholders and members of the public, in order to develop an action plan for the strategy. Key stakeholders include internal services within the council; local businesses e.g. bus companies, taxi proprietors and haulage firms; and health colleagues. Key stakeholders will be given the opportunity to complete a questionnaire and to attend a forum on the topic.
- 5.2 Member of the public will be able to respond via the council's website where a questionnaire will be developed for their use in conjunction with the council's Communication Team.
- 5.3 The outcome of the consultation exercise will be reported back to this committee at a future date.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The following timetable is proposed:

Action	Start	End
The CH& E Committee approves the draft themes for consultation		16/06/2015
Consultation period commences	22/06/2015	25/09/2015
Report back to CH&E Committee with consultation response incorporated into draft Strategy		13/10/2015

Strategy approved, implementation commences	January 2016	March 2021
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The report supports the Priority of Keeping Maidstone an Attractive Place in the draft Strategic Plan	
Risk Management	A failure to be able to demonstrate the council has taken reasonable steps to reduce poor air quality may leave the council open to being made party to any fine imposed on the UK Government by the European Parliament	
Financial	None identified at this stage	Section 151 Officer
Staffing	None	
Legal	None	
Equality Impact Needs Assessment	Not Applicable at this stage	
Environmental/Sustainable Development	Contained within the report	
Community Safety	None	
Human Rights Act	None	
Procurement	None	
Asset Management	None	

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A Low Emission Strategy; Draft Consultation Themes

9. BACKGROUND PAPERS

9.1 Maidstone Borough Council Carbon Management Plan

Appendix A

Low Emission Strategy; Draft Consultation Themes

1. TRANSPORT EMISSIONS

- 1.1 Since transport is the main cause of the pollution affecting Maidstone Borough, the Transport section of the Low Emission Strategy will be the most important. This section will complement other Council Policies such as the Local Transport Plan and the Air Quality Action Plan but whereas these Policies attempt to deal with the problem by reducing congestion and encouraging so called modal shift, i.e. reducing the use of private cars by encouraging increased use of public transport, walking and cycling, the Low Emission Strategy attempts to tackle the vehicle emissions themselves.

2. Public Transport; Buses

- 2.1 The latest UK road-traffic emission factors show that buses are significantly higher emitters of NO_x than cars, LGVs and even HGVs. The level of emissions is mainly dependent upon the emission technology (Euro classes). The bus fleet in Maidstone contains a proportion of the older Euro I, Euro II and Euro III, and MBC should investigate ways to improve the composition of the bus fleet in the Borough.
- 2.2 Increasingly, Local Authorities are introducing Emissions Standards for the bus fleets within their Boroughs. One consequence of this is that, as bus fleet operators use their newer, cleaner buses in areas where emissions standards have been introduced, they shift their older more polluting buses to the areas where no standards apply.

3. Taxis

- 3.1 Whilst Taxis are far less significant polluters than buses, MBC should still be forward thinking and encouraging the shift towards low and ultra-low emission vehicles. The present Taxi Licensing Policy sets a vehicle age standard, however, a standard based on vehicle emissions, coupled with measures to encourage the use of hybrid and electric vehicles as taxis would represent a significant improvement.

4. Freight Emission Strategy

- 4.1 The council should enter into dialogue with freight owners to find ways to improve the emissions of the HGV and LGV fleets using the Borough's road network. One of the simplest ways of doing this is by changing driver behaviour

(so called eco-driving) and there are a number of commercially available driver aids designed to assist with this.

- 4.2 One such device is called Lightfoot, which consists of a simple display which shows the driver when the engine speed is in the most economical range. Lightfoot has been independently tested at Bath University, and was shown to reduce fuel consumption by approximately 10% whilst reducing CO₂ emissions by 10%, NO_x emissions by 20%, and particulate emissions by 15%. Lightfoot has been adopted by a number of Local Authorities, as well as many commercial vehicle fleets including Royal Mail and Autoglass. It has also been shown to bring about a reduction in accident rates. MBC's own vehicle fleet currently uses some 130,000 litres of fuel annually, thus a device with the potential to reduce this by 10% appears to be worthy of further consideration.
- 4.3 Fleet Recognition Schemes, are schemes which encourage fleet operators to improve the performance and efficiency of their fleets, and offer some system of recognition for the improvements achieved. The two main schemes are ECOstars, which would be implemented and paid for by the council, and is free to fleet operators, and FORS (Fleet Operator Recognition Scheme) which individual fleet operators pay to join. The disadvantage of ECOstars is that is quite expensive for the Council, DEFRA grant funding is no longer available, as it once was, and the precise benefits are unclear at present.

5 Promoting Low Emission Vehicles & Infrastructure

- 5.1 Compressed natural gas (CNG), a form of methane, is a relatively clean fuel which can be used in place of petrol, diesel, and LPG. It produces lower emissions of NO_x, carbon dioxide, carbon monoxide, particulates, and un-burnt hydrocarbons than other fuels. At present, there is no CNG refuelling infrastructure in Kent, which is a major obstacle to uptake, as it means that any fleet operator wishing to switch to CNG will need to travel to London or Essex to refuel. There is anecdotal evidence that some fleet operators would like to switch to CNG, and there is further anecdotal evidence that supplier will install the infrastructure free of charge if sufficient demand can be identified. Some grant funding is still available for electric vehicle charging points.

6 PUBLIC HEALTH

- 6.1 Public Health is one of the key drivers behind the Low Emission Strategy. Air pollution is known to exacerbate asthma and allergies, and disproportionately affects the young, the elderly and those with pre-existing respiratory conditions such as bronchitis and Chronic Obstructive Pulmonary Disease (COPD). It also causes increased rates of hospital admission and premature deaths. Diesel fumes are now known to be carcinogenic.

7 CARBON MANAGEMENT

- 7.1 MBC produced a Carbon Management Plan, with the aim of reducing CO₂ emissions from its activities by 20% from the 2008-09 baseline by 2015. This equates to 5,295 tonnes CO₂ with a cumulative value of £1.6 million. The baseline emissions for transport (fleet and business travel) is 2,024 tonnes. The Carbon Management Plan comprises some 44 actions and projects, some straightforward, and some aspirational, by which the target should be met.
- 7.2 The Plan is currently being reviewed and updated, and figures will shortly be available to show whether or not the desired reduction has been achieved, however, most of the actions have already been completed.
- 7.3 The new Plan will be incorporated into the Low Emission Strategy, and will no longer be a stand alone document.

8 PLANNING & DEVELOPMENT CONTROL

- 8.1 Effective planning policies can play a significant role in helping sustain air quality improvements by both discouraging the use of high emission vehicles (paragraph 39) and supporting the uptake of low emission vehicles, including the provision of low emission vehicle refuelling facilities, such as EV charging points (paragraph 35).
- 8.2 Recently published National Planning Practice Guidance (NPPG)¹ states that mitigation may include the contribution of “funding to measures, including those identified in **air quality action plans** and **low emission strategies**, designed to offset the impact on air quality arising from new development”. While air quality is only one of many considerations that are relevant to planning, the NPPG states that where sustained compliance with EU Limit Values is prevented, a local authority is to “consider whether planning permission should be refused”.
- 8.3 It is increasingly recognised that developers should be required to use mitigation measures to offset the environmental damage caused by their new developments. A number of Local Authorities have developed Supplementary Planning Guidance which includes the integration of mitigation measures into scheme design as standard and uses a damage cost approach to inform the scale of mitigation required for major schemes. This approach should work very well in Maidstone Borough.

9 PROCUREMENT

9.1 The purchasing power of the public sector is significant in Maidstone and Kent. Recent legislation and guidance encourages the public sector to support the uptake and deployment of low emission vehicles through sustainable procurement decisions. The Maidstone LES development provides an opportunity to review sustainable procurement practices in both the Borough and County and identify specific principles and measures that could benefit both air quality and carbon reduction targets. The review provides an opportunity to look at 3 areas of procurement that could help reduce vehicle emissions:

9.2 Contracts relating to goods and services provided to the Council

9.2.1 Public sector organisations are required to look at best value, rather than lowest cost, when making procurement decisions. The **Public Services (Social Value) Act 2012** came into force on the 31st January 2013. The Act, for the first time, places a duty on public bodies to consider social value, including environmental considerations, ahead of a procurement exercise.

9.2.2 Local sourcing is practised widely by local authorities, whereby local suppliers are encouraged to bid for council contracts. Such initiatives have the potential to support the local economy while helping reduce overall mileage. Local sourcing offers the potential for lighter goods/low emission vehicles to be used in delivery. Helping local suppliers develop emission strategies can provide competitive advantage in procurement decisions.

9.3 Procurement of vehicles by the Council

9.3.1 The **Cleaner Road Transport Vehicles Regulations 2011** bring into force the requirements of the **EU Clean Vehicles Directive 2009** and require public sector organisations to consider the energy use and environmental impact of vehicles they buy or lease. A key concept of the Regulations is the consideration of **whole life costs** whereby the operational costs over a vehicle life, including pollution damage costs, are taken into account rather than just the purchase price. This helps to redress the issue of low emission vehicles costing more than conventional vehicles, while potentially having lower operating costs that outweigh the purchase increment.

9.4 Partnerships

9.4.1 The Council should examine the increased potential for purchase cost savings when buying low emission vehicles and deploying low emission vehicle infrastructure through innovative partnerships with both public sector organisations and the private sector.

10 NON-TRANSPORT EMISSIONS

- 10.1 Whilst transport emissions are the major source of pollution in the Borough, non transport emissions contribute a significant percentage of background emissions. Examples of non transport emission sources include residential and commercial buildings, combined heat and power plants, and construction sites.

11. ECONOMIC DEVELOPMENT

- 11.1 The LES also aims to provide a platform for inward investment, not only in terms of accessing funding, but through the encouragement of the low emission vehicle supply chain and ancillary services to locate in the borough
- 11.2 The LES will build on the Maidstone Economic Development Strategy, whose stated aim is “a model 21st century town , a distinctive place, known for its blend of sustainable rural and urban living, excellence in public services, dynamic service sector-based economy, and above all, quality of life.”
- 11.3 The LES will also compliment the Sustainable Community Strategy for Maidstone 2009-2020 and the work of the Local Strategic Partnership

12. ADDITIONAL ACTIONS

- 12.1 There are six air quality hotspots within the Borough. Having identified these hotspots, rather than declare six individual Air Quality Management Areas (AQMA), a single AQMA was declared, covering the entire urban area of the Borough. There were very good reasons for doing this, for example, administering 6 individual AQMAs are significantly more onerous than administering a single AQMA. However, it does give rise to potential anomalies, since the single AQMA includes many properties where we know the air quality to be perfectly acceptable. This can cause difficulties, for example, when dealing with planning applications, where applying measures designed to tackle poor air quality, is hard to justify at some locations. The boundaries of the AQMA will therefore need to be kept under review as the LES is implemented,