

Air Quality Planning Guidance

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Sarah Lee, Principal Planning Officer, Strategic Planning
Classification	Public
Wards affected	All

Executive Summary

The Kent & Medway Air Quality Partnership is funded by the Kent borough and district councils, Kent County Council and Medway Council and has the purpose of promoting air quality improvement in the county. It has prepared model Air Quality Planning Guidance for use by planning authorities and developers. At its April meeting, the Committee instructed officers to adapt the model guidance for Maidstone's purposes so that the Committee could approve it for the development management process. In accordance with this decision, this report presents the adapted version of the guidance (in Appendix 1) and recommends it for approval.

The Local Plan signals that the Council will also be preparing a dedicated Air Quality Development Plan Document (DPD) in recognition of the significance of this issue for Maidstone and the evolving national picture with the publication of the draft UK Air Quality Plan. In the meantime, the Guidance can be used as an interim measure to help in the preparation and determination of planning applications.

This report makes the following recommendations to this Committee:

1. That the Air Quality Planning Guidance for Maidstone in Appendix I **be approved** so that it may be used as a material consideration for planning purposes for planning applications validated from 1st January 2018 onwards.
2. That the presentational finalisation of the Guidance **be delegated** to the Head of Planning & Development.

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	7 November 2017

Air Quality Planning Guidance

1. INTRODUCTION AND BACKGROUND

- 1.1 Air quality is recognised as an important issue in Maidstone. The town has had a designated Air Quality Management Area for number of years supported by an Air Quality Action Plan which is currently being updated by means of the draft Low Emissions Strategy. Planning has significant influence to bear; Policy DM6 – ‘Air quality’ in the Local Plan ensures that adverse air quality impacts resulting from development are mitigated. Strategic policy SP23 – ‘Sustainable transport’ states that the Council and its partners will address the air quality impacts of transport. The Local Plan, the Integrated Transport Strategy and the Walking & Cycling Strategy contain positive actions to deliver sustainable transport measures which in turn will have positive impacts for air quality.
- 1.2 At present Maidstone’s Air Quality Management Area (AQMA) extends to the whole of the Maidstone Urban Area. The draft Low Emissions Strategy proposes that the boundaries of the AQMA be refined to a focused area where air quality has been either recorded or modelled in exceedance of national objectives. Public consultation on the draft Low Emissions Strategy closed on 29th August.
- 1.3 The Council is a member of the Kent & Medway Air Quality Partnership. The Partnership has prepared model Air Quality Planning Guidance for use by planning authorities and developers. The document aims to improve air quality across Kent & Medway and encourage emissions reductions. It also aims to provide some consistency of approach to air quality in the planning regime across the Kent & Medway area.
- 1.4 To date, it is understood that the Guidance has been agreed and is being applied by Medway and Thanet councils. Medway officers report that the application of the guidance has been successful in securing air quality mitigation measures although developer understanding of the guidance is inconsistent.
- 1.5 Importantly, the Guidance could be influential in achieving actual mitigation measures to address air quality impacts for example electric vehicle charging points in residential developments. In overview, it provides information on;
 - The circumstances when Air Quality Impact Assessment (AQIA) is likely to be required as part of a planning application;
 - Confirmation that an AQIA should include an Emissions Mitigation Assessment which incorporates a specific calculation to quantify the scale of mitigation needed. The result of the calculation is expressed as a monetary value (in £). The applicant should spend this equivalent amount on the incorporation of mitigation measures into the design of the scheme; and
 - A list of potential mitigation measures which could be incorporated into developments with a significant impact on air

quality in the Air Quality Management Area e.g. electric vehicle charging points, additional green infrastructure and cycling facilities. The Guidance also proposes 'standard' mitigation measures in cases where the impact on the AQMA will be less than 'significant'.

- 1.6 The Maidstone-adapted version of the guidance document is included in Appendix 1. The model document has been restructured and edited for ease of use and to reduce duplication. The changes also help to better align the document with the Local Plan Policy DM6 – Air Quality (which is reproduced in Appendix 2 for ease).
- 1.7 Policy DM6 takes a sequential approach to the assessment of planning applications which could potentially impact on air quality. The approach recognises that the nature, scale and location of a development are all factors which can determine whether it will have an adverse effect on air quality. On one hand a small scale development within the AQMA may not have a discernible effect on air quality whereas a large scale development outside the AQMA could have a negative impact for example through increased traffic generation through an identified Exceedance Area. Checklist 2 in the Guidance has been adapted to provide more detailed thresholds according to the nature, scale and location of development to support the interpretation of the Local Plan Policy DM6 by confirming when specific Air Quality Impact Assessment and/or mitigation measures will be needed.
- 1.8 The Guidance also;
 - Promotes the importance of pre-application advice to indicate when AQIA will be needed so applications are submitted at the outset with the necessary information;
 - Provides clarity to help developers to identify specific mitigation measures and incorporate them into their development scheme at the outset;
 - Sets out that Environmental Health Officers will provide advice on sufficiency of an AQIA, of the mitigation measures proposed and the implications of any resulting residual air quality impacts which cannot be mitigated; and
 - Helps ensure sufficient information is provided to inform planning decisions.
- 1.9 Subject to the Committee's decision, the presentation of the Guidance will be finalised, including inserting the relevant weblinks and providing an up to date map of the Air Quality Management Area, subject to the outcome of the draft Low Emissions Strategy consultation. Delegated authority is sought to the Head of Planning & Development to make these finalisations.
- 1.10 The Guidance gives applicants new, practical advice on the supporting information that should be submitted with planning applications, including how air quality impacts should be assessed and mitigated for. To provide an appropriate transition period so that applicants have forewarning of the requirements in advance, it is recommended that the Guidance should be applied to applications validated from the 1st January 2018 onwards. This

will also enable the Guidance to be publicised to agents and developers before this date, including in formal pre-application advice.

2. AVAILABLE OPTIONS

- 2.1 **Option A:** The Committee could decide to approve the Guidance so that it could be used as a material consideration for planning purposes.
 - 2.2 **Option B:** The Committee could decide that the Guidance should have the status of a Supplementary Planning Document (SPD). This would give the Guidance a greater weight than Option A, but would additionally require informal and formal consultation, Strategic Environmental Assessment (SEA) and, potentially, further adaptation.
 - 2.3 **Option C:** The Committee could decide not to approve the Guidance.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Committee has previously recommended that Guidance be prepared in view of the importance it affords to Air Quality matters. A decision not to approve the Guidance (Option C) would miss an opportunity to put valuable guidance in place to support the effective application of Policy DM6 and thereby help reduce and/or mitigate the air quality impacts of development.
- 3.2 Progressing the Guidance as SPD (Option B) would give the document a greater degree of weight in planning decisions compared with Option A but would require informal and formal consultation, SEA and potentially further adaptation as a result, delaying the point at which the Guidance could be applied in practice. Further, the Council will soon embark on the preparation of a dedicated Air Quality Development Plan Document (DPD) which will itself supersede Policy DM6 and the Guidance in due course.
- 3.3 The Local Plan Inspector wrote to the Council on 14th July on air quality matters. In his letter (available here: http://www.maidstone.gov.uk/_data/assets/pdf_file/0018/145800/ED156-Letter-from-Inspector-Air-Quality-14.7.17-.pdf), he emphasised the importance of modal shift in securing air quality improvements and underlined that progress with the Air Quality DPD is urgent. In their response, officers set out an indicative timetable for the DPD's preparation which would see the DPD adopted by September 2019 (http://www.maidstone.gov.uk/_data/assets/pdf_file/0018/150723/ED-157-Our-response-to-Inspectors-letter-ED-156-21-June-2017.pdf). The precise timetable will be confirmed in the refreshed Local Development Scheme which will be considered by this Committee in December.
- 3.4 In these circumstances, approval of the Guidance is intended as an interim measure to cover the period whilst the Air Quality DPD is being prepared. This understood, **Option A** is recommended as the most pragmatic option,

striking a reasonable balance between weight and prompt confirmation of the Guidance.

4. RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
-

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The Committee instructed officers to prepare Air Quality Guidance for Maidstone at its April meeting.
-

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Development Management and Environmental Health colleagues have been involved in the adaptation of the Guidance to make it Maidstone specific.
- 6.2 If approved, the Guidance will become a material consideration in development management decisions for applications validated from 1st January 2018 onwards. The document will be published on the 'Planning Guidance' section of the Council's website and a notification and brief explanation of the document will be sent to the contacts on the Local Plan database which includes agents, developers and landowners.
-

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The introduction of the Guidance will assist in the implementation of wider objectives set out in the emerging Local Plan, Integrated Transport Strategy and the emerging LES.	Rob Jarman, Head of Planning & Development
Risk Management	Already covered in the risk section above.	Rob Jarman, Head of Planning &

		Development
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman, Head of Planning & Development
Legal	No legal implications arise as a result of this report.	[Legal Team]
Privacy and Data Protection	No specific data protection implications arise as a result of this report.	[Legal Team]
Equalities	Improvements in air quality will have positive effects for all equality groups.	[Policy & Information Manager]
Crime and Disorder	No specific implications arise as a result of this report.	Rob Jarman, Head of Planning & Development
Procurement	No specific implications arise as a result of this report.	Rob Jarman, Head of Planning & Development

8. REPORT APPENDICES

Delete once read: List all appendices to your report in this section, the numbering convention we use is 1,2, 3 etc. (not letters or roman numerals). Please ensure your appendices have the same title in your report and on modern.gov, if not then the names will not appear correctly in the digital report pack. This will cause problems for those reading the agenda pack online.

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

- Appendix 1: Air Quality Planning Guidance Maidstone Borough Council
- Appendix 2: Extract from the emerging Maidstone Borough Local Plan : Policy DM6 – Air Quality

9. BACKGROUND PAPERS

Nil