

**Communities, Housing and
Environment Policy Advisory
Committee**

13th September 2022

**Proposed Change to Maidstone AQMA and Request to
Consult on New Air Quality Action Plan**

Timetable	
Meeting	Date
CHE PAC	13 th September 2022
Executive	21 st September 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Executive
Lead Head of Service	John Littlemore, Head of Housing and Regulatory Services
Lead Officer and Report Author	Stuart Maxwell, Senior Scientific Officer
Classification	Public
Wards affected	All Wards but particularly High Street Ward

Executive Summary

Air Quality in Maidstone has improved significantly in recent years to the extent that most of the Borough is now in compliance with all air quality objectives. The only area in which any objective is exceeded is Upper Stone Street. The current Air Quality Action Plan (AQAP) will shortly need to be updated. It is proposed that, prior to updating the AQAP, the current Air Quality Management Area (AQMA) be revoked and a new AQMA should be declared which more closely reflects the current area of exceedance. The new AQMA would cover Upper Stone Street from Wrens Cross to Old Tovil Road. The new AQAP could then be more focussed on the Upper Stone Street Area. This report includes a draft list of potential actions for inclusion in the new AQAP. We are requesting permission to hold a public consultation on these actions.

Purpose of Report

Decision

This report makes the following recommendations to the Communities, Housing and Environment Policy Advisory Committee:

1. That the Executive be recommended to agree the revocation of the old AQMA in Maidstone which will require an Air Quality Management Area Revocation Order to be issued.
2. That the Executive be recommended to agree the declaration of the proposed new AQMA in Maidstone, covering Upper Stone Street, as described in the report, which will require a new Air Quality Management Area Order to be issued.
3. That the Executive be recommended to agree that permission is granted to hold a public consultation on the proposed actions given in the report to be included in a new Air Quality Action Plan.

Proposed Change to Maidstone AQMA and Request to Consult on New Air Quality Action Plan

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council's ability to achieve Safe, Clean and Green.</p>	Tracey Beattie, Mid Kent Environmental Health Manager
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the achievement of the Health Inequalities are Addressed and Reduced and Biodiversity and Environmental Sustainability cross cutting objectives by ensuring that the council is focussing its resources on the improvement of the worst areas of air quality for those people that live there and improving the environment by improving air quality through lower emissions.</p>	Tracey Beattie, Mid Kent Environmental Health Manager
Risk Management	Already covered in the risk section – refer to section 5 of the report	Tracey Beattie, Mid Kent Environmental Health Manager
Financial	<ul style="list-style-type: none"> • The proposals set out in the recommendation are all within already 	Paul Holland, Senior

	approved budgetary headings and so need no new funding for implementation.	Finance Manager
Staffing	<ul style="list-style-type: none"> We will deliver the recommendations with our current staffing. 	John Littlemore, Head of Housing & Regulatory Services
Legal	<ul style="list-style-type: none"> Accepting the recommendations will fulfil the Council's duties under The Environment Act 1995. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of Environment Act 1995 	Robin Harris, Team Leader, Contentious and Corporate Governance, August 2022
Information Governance	<ul style="list-style-type: none"> The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will/have reviewed the processing of personal data affected and the associated documentation has been/will be updated accordingly, including a data protection impact assessment. The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Stuart Maxwell, Senior Scientific Officer
Equalities	<ul style="list-style-type: none"> An EqIA will be completed as part of the project to consider the impact of the changes to the AQMA 	Nicola Toulson Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will have a positive impact on population health or that of individuals. In accepting the recommendations the Council would be fulfilling the 	Jolanda Gjoni, Senior Public Health Officer

	requirements of the Health Inequalities Plan	
Crime and Disorder	The proposal will have no impact on Crime and Disorder	Tracey Beattie, Mid Kent Environmental Health
Procurement	<ul style="list-style-type: none"> On accepting the recommendations, the Council will then follow procurement exercises for any individual actions that require procurement. We will complete those exercises in line with financial procedure rules. 	Head of Service & Section 151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and Theme 1 to 4 of the LES have been used as a basis to frame aspects off the Biodiversity and Climate Change Strategy and Action Plan, namely with actions 1.1 to 1.12 and therefore the recommendations of this report align with the Sustainable Transport theme of the Biodiversity and Climate Change Action Plan.	James Wilderspin, Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone first declared an Air Quality Management Area (AQMA) in 2008. The AQMA encompassed the whole of the Maidstone conurbation, including a number of areas of exceedance of the NO₂ annual mean objective. These so called 'hotspots' included the High Street, Upper Stone Street, Well Road, the Junction of Tonbridge Road and Fountain Lane, and the Wheatsheaf Junction. However, the AQMA also included many areas where there were no exceedances of any air quality objectives.
- 2.2 In 2018, the 2008 AQMA was replaced with a newer, smaller AQMA, more closely aligned to the actual areas of exceedance of the NO₂ annual mean objective, which followed the carriageways of the main roads through the district. The modelling on which the new AQMA was based was done in 2016, and based on the data from 2014, which was the most up to date available at the time.
- 2.3 Air quality in Maidstone has improved considerably in the last five or six years. This local trend reflects a national trend of improvement in air quality. The primary drivers of this trend of improvement are the introduction of Euro VI engines, particularly in HGVs, the increased uptake

of electric and hybrid vehicles, and a decrease in the popularity of diesel passenger cars. At the same time, large numbers of the oldest most polluting vehicles are being taken out of the vehicle fleet as they reach the end of their service lives.

- 2.4 The result of these improvements over several years is that most of the areas of Maidstone which were previously recognised as air quality hotspots, have now come into compliance with all air quality objectives.
- 2.5 The remaining area of concern is Upper Stone Street. Upper Stone Street has also seen a trend of decreasing pollution levels, however, levels there were particularly high, and there is still an exceedance of the annual mean objective for nitrogen dioxide. As part of our 'review and assessment' function, under the Environment Act, 1995, monitoring in Upper Stone Street includes continuous automatic monitoring of NO₂, as well as six diffusion tube sites. PM₁₀ and PM_{2.5} are also monitored but the objectives are not exceeded.
- 2.6 Our Air Quality Action Plan, (which is currently called the 'Low Emission Strategy') is due to be updated. The drafting of the Low Emission Strategy coincided with the end of the Council's 2008 to 2015 Carbon Management Plan, and thus included a few actions related to 'Carbon Management' in addition to the air quality actions. It was therefore called the Low Emission Strategy to distinguish it from the usual Air Quality Action Plan. The Council now has a Climate Change Strategy, agreed in October 2020, therefore the new action plan, which will not attempt to duplicate actions being undertaken in the Climate Change Strategy, will only contain actions directed specifically at local air quality, and will simply be called the Air Quality Action Plan.
- 2.7 MBC has commissioned Air Quality Consultants (AQC) Ltd to review the current AQMA and previously used AQC to undertake air quality modelling in 2018.
- 2.8 AQC's report has confirmed that the majority of the current AQMA could now be revoked, with the only remaining area of exceedance being in Upper Stone Street, between Wrens Cross and Old Tovil Road.
- 2.9 The annual mean objective for NO₂ applies primarily at residential property. A different objective applies to people outside, eg pedestrians, shoppers etc, and this objective is not exceeded anywhere in the Borough.
- 2.10 It has been estimated that the current AQMA contains about 1400 residential properties. AQC's report suggests that there are only 53 residential properties in Upper Stone Street in an exceedance of the NO₂ annual mean and these properties would need to remain in an AQMA when the existing AQMA is revoked.
- 2.11 The annual mean objective for NO₂ is 40µgm⁻³. Of the 53 residential receptors exceeding this objective, 44 are in the range 40 to 60µgm⁻³ and a further 9 are at a level of over 60µgm⁻³.

- 2.12 AQC then went on to consider the effect of improvements to the bus fleet on air quality in Upper Stone Street. An ANPR camera survey was undertaken in order to establish baseline fleet composition and used this to model a baseline year of 2022.
- 2.13 Owing to the ongoing trend of improving air quality, the modelling predicted a reduction in the number of residential receptors in an exceedance of the annual mean objective for NO₂ from 53 to 30. This would occur in the absence of any additional interventions. Of these 30, 27 will be in the range 40 to 60µgm⁻³ and the remaining 3 will be at a level in excess of 60µgm⁻³.
- 2.14 If the buses operating on Upper Stone Street were restricted to Euro VI only, the 30 residential receptors in an exceedance would be cut to only 18, of which 15 would be in the range 40 to 60µgm⁻³ and the remaining 3 would be at a level in excess of 60µgm⁻³. The modelling suggested that allowing only electric buses to operate in Upper Stone Street would not currently bring about an additional reduction in the number of receptors in the area of exceedance, however, logically it would offer additional air quality benefits which would help to bring forward compliance with the objectives.
- 2.15 AQC's conclusions are primarily based on consideration on data from 2019, which was the last year unaffected by the impact of the COVID pandemic. Data from 2020 and 2021 are lower than 2019, mainly as a result of COVID restrictions, however, owing to the long-term trend of improvements in air quality, we would have expected somewhat lower levels even without the COVID restrictions.
- 2.16 MBC has already considered, in some depth, potential actions for improving air quality in Upper Stone Street in 2019, when a range of options was investigated by consultants Arcadis and ITP. A long list of measures which had the potential to improve air quality in Upper Stone Street was evaluated by the consultants and nearly all of them were rejected because they were either impractical, too expensive, or likely to simply displace the problems to a different location. One option previously considered and rejected by Members as part of this project was a Clean Air Zone. Our consultants demonstrated that the Clean Air Zone would actually only have a marginal benefit, and therefore it is assumed that this is still an option that Members would still not wish to pursue.
- 2.17 However, as a result of the above investigations, MBC has recently tightened parking restrictions in Upper Stone Street. Single yellow lines have been replaced with double yellow lines, and loading restrictions were also increased (no loading between 7:00am to 8:00pm). MBC also worked with KCC to ensure that new trees being planted in the area were optimised for air quality in terms of species and spacing.
- 2.18 It is proposed that the Air Quality Action Plan should primarily be focussed on the main problem area, and therefore, following the recommendations of AQC Ltd, the boundaries of the AQMA should now be changed to reflect more accurately where the problem area currently is, namely, Upper Stone Street.

- 2.19 The actions below are proposed to be included in the Action Plan. We are requesting authorisation to hold a public consultation on these actions, which will be developed in the light of consultation responses. Note that some actions are continuations of actions which have been successfully worked on previously.
- 2.20 Where possible, actions will be focussed on addressing the specific air quality issue in the new AQMA. Some actions, however, will necessarily be more generally applied, eg the Clean Air For Schools programme, which should result in Borough wide air quality improvements.
- 2.21 Delivery of these actions will require MBC to work with other stakeholders, of which the main one will be KCC. Others will include DEFRA, local bus companies, and local schools.
- 2.22 Following the declaration of the AQMA, DEFRA guidance states that the Air Quality Action Plan should ideally produced within 12 months.
- 2.23 Actions to be included in the consultation are:-
- **Improvement to bus fleet in Maidstone, with special emphasis on services operating Upper Stone Street.** The report from AQC estimates that approximately 16.4% of the NOx pollution on Upper Stone Street originates from buses. Maidstone's bus fleet is very old. Approximately 72% of the pollution from buses on Upper Stone Street arises from Euro II, Euro III and Euro IV buses. KCC has identified Maidstone as a priority corridor for electric bus upgrades, but this is dependent upon the award of government funding. In the meantime, we would like to see the best available buses operating on Upper Stone Street. Legal advice has suggested that no improvements to the bus fleet could be achieved without the involvement of KCC, other than via informal arrangements with the local bus companies.
 - **Review of Air Quality Planning Guidance to reflect updated air quality information** The current Air Quality Planning Guidance is out of date and needs to be updated to reflect current best practice and take account of the new Future Homes Standard. This may include increasing the requirement for AQ mitigation in and around the new AQMA, but we will need to ensure that the requirements are appropriate for the current air quality situation. The guidance must aim to prevent development having a negative impact on the AQMA, for example, by use of developer contributions to fund air quality improvement schemes (eg car club, bike hire schemes, travel plans etc, or similar). This review will need to take account of the status and content of the new Local Plan at the time it's undertaken.
 - **Review of Taxi Policy** to include consideration of whether any agreed improvements to vehicle standards could be brought forward, and investigation of what support might be available to facilitate these improvements.

- **Information campaign to residents of the new AQMA?** A grant has been applied for from DEFRA to fund this action and we are waiting to hear whether the funding has been approved.
- **Extension to the Clean Air For Schools (CAFS) programme.** Officers are currently developing a digital air quality resource, with funding from a DEFRA air quality grant awarded in 2021. This will start to be rolled out to schools in 2022.
- **A campaign of anti-idling signage across the Borough, focussing on schools and other known or identified problem areas.** Officers are currently working to identify suitable locations for anti-idling signage and some signs have already been deployed.
- **Consider discount on resident's parking for EV vehicles.** It is anticipated that it should be possible to offer this in the next 3 to 5 years (and conversely, perhaps an increased tariff for the most polluting vehicles) Environmental Health will continue to liaise with parking to influence future reviews of Parking Strategy.
- **Review provision of EV parking in Council car parks.** Whilst data currently shows that the current provision of 18 EV charging points is underutilised, this will be closely monitored and expanded to meet demand over time.
- **Continuation of MBC sponsorship of the Walk on Wednesday Scheme.** MBC currently supports the Kent Messenger Walk on Wednesday scheme, which encourages schoolchildren to walk to school.

2.24 Across the Mid Kent Environmental Health Service, other actions are being considered, which might be adapted to have relevance in Upper Stone Street. These include, promotion of the Kent Revs e-van loan scheme, e-bike hire schemes, car clubs, increased use of travel plans, live information bus stops, and signage to notify drivers that they are in an AQMA.

2.25 Consideration has also been given to the possible introduction of a 20mph speed limit in Upper Stone Street (and adjoining side streets). AQC's report includes an assessment of this idea, based on relevant literature, and concludes that the impact of a 20mph speed limit on air quality in Upper Stone Street is likely to be very small, but beneficial. The report also notes that 20mph speed limits can offer other benefits apart from their impact on air quality, e.g. reduced noise and improved safety. However, due to uncertainty about the implementation and enforcement of such a scheme, we have not added it to the list of measures to be consulted on.

3. AVAILABLE OPTIONS

3.1 **Option 1** is to do nothing, however, unless the Action Plan is updated, the Council will fail to comply with its statutory duties on Local Air Quality Management.

- 3.2 **Option 2** is to leave the boundary of the AQMA unchanged and just update the action plan. However, there is not really any advantage in having a larger than necessary AQMA. In the view of officers, updating the AQMA to reflect changing pollution levels is good practice.
- 3.3 **Option 3** is to revise the boundary of the AQMA in line with AQC's recommendations. The Action Plan can then be updated with a particular emphasis on addressing the air quality issues specific to the new AQMA. Members request Environmental Health to undertake a public consultation on the measures listed in the report.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is option 3, which is the option which best complies with the current statutory guidance. As part of the process of revoking the old AQMA and declaring the new AQMA, MBC is required to consult with DEFRA, which has been done through MBC's Annual Status Report to DEFRA which DEFRA has accepted. The smaller AQMA will more accurately reflect the true air quality picture in Maidstone, as compared to the current AQMA. It will also help to keep the new Air Quality Action Plan focussed on the relevant area.
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5. RISK

- 5.1 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. The only risk would be associated with taking no action, which would mean that the Council could no longer demonstrate compliance with the relevant legislation and statutory guidance. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
- 5.2 We note that if the recommendation is approved, the next stage is to consult on the proposed measures. This will provide an additional opportunity to identify any risk associated with the proposed changes before they are implemented.
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Changes to the AQMA and the preparation of an AQAP require consultation. DEFRA is the key statutory consultee in both cases. Other consultees are
- The Environment Agency.
 - Highways England.
 - The County Council.
 - Neighbouring Authorities.
 - Bodies representing local businesses.
 - The public.

- 6.2 Officers from Mid Kent Environmental Health and MBC's Policy Team will organise the consultation, following approval of the recommendation in this report.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following the consultation on the Action Plan actions, described in Section 6, the consultation responses will be evaluated, and any additional actions arising from the consultation will be included in the final AQAP, if appropriate. The final Action Plan will come back to the Executive for approval.
- 7.2 Details of the final AQMA and AQAP are required to be submitted to DEFRA. They will also be made available on the Council's website.
- 7.3 In order for the old AQMA to be formally revoked, an AQMA revocation order will need to be produced, which will need to be signed and sealed.
- 7.4 In order for the new AQMA to be formally declared, an AQMA order will need to be produced, which will need to be signed and sealed. A draft of the AQMA order is appended to this report.
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8. REPORT APPENDICES

- **Appendix A:** Draft AQMA Order for Proposed AQMA
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9. BACKGROUND PAPERS

Air Quality Consultants - AQMA Review Maidstone – December 2021
(Appendix F of MBC's Annual Status Report to DEFRA, 2022)

[MBC Annual Status Report 2022](#)
