

Strategic Planning, Sustainability and Transportation Committee

11 April 2017

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

Yes

Air Quality Technical Guidance

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	Rob Jarman – Head of Planning and Development
Lead Officer and Report Author	Andrew Thompson – Principal Planning Officer (Spatial Policy)
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. Instruct officers to prepare draft Air Quality Technical Guidance for Maidstone Borough, adapted from the Kent and Medway Air Quality Partnership guidance, with the intention of this Committee adopting the Guidance for development management purposes.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all

Timetable

Meeting	Date
Strategic Planning, Sustainability and Transportation Committee	11 April 2017

Air Quality Technical Guidance

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Improving air quality in Maidstone is a key priority for the Council and planning can play a significant role in contributing to the objectives of the emerging Low Emissions Strategy (LES) and Air Quality Action Plan (AQAP). Recognising the importance of the issue, and the evolving nature of national and local strategies, Proposed Main Modification 42 to the Maidstone Borough Local Plan, approved for consultation at this Committee's last meeting, will commit the Council to preparing a detailed Air Quality Development Plan Document (DPD).
 - 1.2 As an interim measure, in advance of the DPD's preparation, the Council could adopt technical guidance on the matter as a material consideration for development management purposes. The Kent and Medway Air Quality Partnership have produced generic guidance which provides for a shift in emphasis towards greater focus on securing and delivering effective mitigation, and which can be adapted by local authorities for this purpose. Medway Council and Thanet District Council have already adopted the guidance and it is understood that Tunbridge Wells Borough Council are also using the guidance through their development management function and are considering adopting it as an SPD
 - 1.3 This report therefore recommends that Committee instructs officers to commence work developing draft Air Quality Technical Guidance for Maidstone Borough, based on the Partnership's generic guidance, with the intention of this Committee adopting the Guidance for development management purposes.
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2. INTRODUCTION AND BACKGROUND

- 2.1 Air quality is a recognised issue in Maidstone, and the town has been a designated Air Quality Management Area (AQMA) for a number of years. The Council is taking positive steps to address air quality issues through the production of a Low Emissions Strategy (LES) incorporating an updated Air Quality Action Plan (AQAP). These documents are being progressed by the Council's Air Quality Working Group which comprises members and officers, with input from a range of stakeholders.
- 2.2 Planning can play a significant role in addressing air quality issues by delivering growth in a sustainable manner, securing appropriate measures to mitigate air quality impacts and contributing to the wider strategy to improve air quality. Planning officers have therefore been actively engaged with the process of developing the LES and AQAP.
- 2.3 Air quality has also been a significant issue through the examination of the Maidstone Borough Local Plan (MBLP) and the Inspector arranged a dedicated hearing to examine the issue and the steps the Council was taking both to mitigate the impact of planned development on air quality

and improve air quality more generally. Through the examination, the relevant development management policy has been revised and tightened to ensure that any development which may have an adverse impact on air quality, particularly on the AQMA and the exceedance areas within the AQMA, will be required to submit technical evidence and details of any mitigation to demonstrate that the impact will be effectively mitigated.

- 2.4 Given the progression of the emerging LES and AQAP however, and also that a new National Air Quality Action Plan is anticipated later this spring, there is a recognised need to prepare a more detailed planning policy document, following the adoption of the MBLP, to implement and coordinate with these emerging strategies. The amended MBLP air quality policy (proposed Main Modification 42) therefore commits the Council to developing a specific Air Quality Development Plan Document (DPD) to address the matter in greater detail.
- 2.5 It is clear however that the production of a new DPD will take some time as, although relatively limited in scope, the regulatory and legal requirements including consultation, duty to cooperate, sustainability appraisal and examination will apply in the same way as to the MBLP. Consequently, and in view of the importance of this issue to the Council, it is clear that early guidance is needed to supplement the MBLP approach whilst the DPD is under production.
- 2.6 One of the options to be considered through this DPD will be an approach based on the technical guidance produced by the Kent and Medway Air Quality Partnership, of which the Council is a member. The guidance has been developed for use by local authorities and provides for an innovative approach to assessing the air quality impacts of development and, crucially, to securing appropriate mitigation through the development management process.
- 2.7 The Partnership's guidance (Appendix A and B) is highly technical in nature but fundamentally provides a consistent methodology to assess the "damage costs" of a development proposal, in order to calculate and inform the scale and type of mitigation required to support a development proposal in air quality terms. This would include consideration of measures such as travel plans, electric vehicle charging infrastructure, designated parking spaces for low emission vehicles, cycle paths, links and storage and green infrastructure measures.
- 2.8 To date Medway Council and Thanet District Council have both adopted the guidance and it is understood that Tunbridge Wells Borough Council are also using it for development management purposes. In each case the Partnership's guidance has been considered and adapted to ensure it is fit for purpose within that local authority area. Similar approaches have been, and are being, introduced in other parts of the country, with some success, and there appears to be a clear shift away from traditional Air Quality Impact Assessments (AQIA) towards an approach which focusses more directly on the delivery and benefits of mitigation measures.
- 2.9 Were the Council to adopt Air Quality Technical Guidance based on this approach as a material consideration in the development management

process, this would provide an interim measure as a means to calculate and secure air quality mitigation measures in this way, in advance of the production of the Air Quality DPD. It is important to note however that any such guidance would not carry the same level of weight as policies which have gone through the statutory plan making process.

2.10 The MBLP Inspector considered that there was a need for more robust mitigation measures centred on public transport both in terms of transport strategy and improving air quality. As set out in the MBLP and the ITS, there is a clear overlap between the promotion of sustainable transport and improvements in air quality. Measures such as travel planning, walking and cycling infrastructure, electric vehicle infrastructure and public transport improvements can support both objectives.

2.11 In preparing draft Technical Guidance for Maidstone Borough, it will be important to ensure the guidance is adapted to best fit Maidstone's unique circumstances and to maximise its effectiveness, albeit as an interim measure, for use in the development management process. Accordingly, it will be necessary for officers to engage with Development Management and Environmental Health officers to develop the draft guidance.

2.12 It is anticipated that this work can be undertaken over the coming weeks to ensure that the draft guidance can be considered by this Committee over the summer.

3. AVAILABLE OPTIONS

3.1 **Option 1:** Instruct officers to prepare draft Air Quality Technical Guidance for Maidstone Borough, adapted from the Kent and Medway Air Quality Partnership guidance, with the intention of this Committee adopting the Guidance for development management purposes.

3.2 **Option 2:** Do not commence work on interim Air Quality Technical Guidance for Maidstone Borough and postpone further work on this matter until work on the Air Quality DPD commences.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 1 is preferred given the importance that the Council attaches to addressing this issue, and the time period involved in producing the Air Quality DPD. The introduction of the approach set out by the Kent and Medway Air Quality Partnership, would provide for a shift in emphasis towards greater focus on securing and delivering effective mitigation which can contribute towards the objectives of the emerging LES and AQAP.

4.2 The development of Technical Guidance will require further consideration of the Partnership's methodology and guidance and its adaptation for use in Maidstone Borough, in collaboration with Development Management and Environmental Health officers. It is recommended therefore that this work

commences at the earliest opportunity to provide time for proper assessment and formulation of the most appropriate guidance for Maidstone Borough.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Proposed Main Modification 42, which amends the MBLP Air Quality policy and sets out the Council's commitment to develop an Air Quality DPD, was considered and approved for consultation as part of the Schedule of Proposed Main Modifications to the MBLP at this Committee's last meeting.
- 5.2 This is the first report on the proposal to develop interim Air Quality Technical Guidance for Maidstone Borough.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 If agreed, officers will commence work to develop a draft Air Quality Technical Guidance for Maidstone Borough in collaboration with officers in Development Management and Environmental Health, with a view to bringing a draft document for consideration for adoption to this Committee in the summer.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The introduction of Technical Guidance can assist in the implementation of wider objectives set out in the Local Plan, Integrated Transport Strategy and the emerging LES and AQAP.	Rob Jarman Head of Planning and Development
Risk Management	If Technical Guidance is not introduced as an interim measure then there will be a substantive delay in producing more detailed guidance (policy) until the Air Quality DPD is prepared.	Rob Jarman Head of Planning and Development
Financial	No direct financial implications for the Council. The work can be developed using existing	[Section 151 Officer & Finance Team]

	officer resources. If introduced, the Guidance may raise additional finance for air quality mitigation.	
Staffing	The work can be developed using existing officer resources with input from Development Management and Environmental Health.	Rob Jarman Head of Planning and Development
Legal	No legal implications arise as a result of this report	[Legal Team]
Equality Impact Needs Assessment	Improvements to air quality will have positive effects for all equality groups.	[Policy & Information Manager]
Environmental/Sustainable Development	The introduction of Technical Guidance can assist in the implementation of wider objectives set out in the Local Plan, Integrated Transport Strategy and the emerging LES and AQAP.	Rob Jarman Head of Planning and Development
Community Safety	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
Human Rights Act	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
Procurement	No implications arise as a result of this report	Rob Jarman Head of Planning and Development
Asset Management	No implications arise as a result of this report	Rob Jarman Head of Planning and Development

8. REPORT APPENDICES

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

Appendix A: Kent & Medway Air Quality Partnership Air Quality Planning Guidance (Mitigation Option A)

Appendix B: Kent & Medway Air Quality Partnership Air Quality Planning Guidance (Mitigation Option B)

9. BACKGROUND PAPERS

None