

Strategic Planning, Sustainability and Transportation Committee

13 June 2017

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

Yes

Review of Air Quality Management and Low Emissions Strategy

Final Decision-Maker	Strategic Planning, Sustainability and Transportation Committee
Lead Head of Service	John Littlemore, Head of Housing and Communities
Lead Officer and Report Author	Duncan Haynes, Mid-Kent Environmental Protection Team Leader
Classification	Public
Wards affected	All

This report makes the following recommendations to this Committee:

1. That the proposed Low Emissions Strategy attached as Appendix 1 be approved for public consultation
2. That the associated Action Plan be approved for public consultation
3. That the proposed revision to the Air Quality Management Area included in the report detailed in Appendix 2 is approved for consultation with prescribed consultees and the public

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – by seeking to improve the air quality and the health of residents and visitors to the borough.

Timetable

Meeting	Date
Committee Strategic Planning, Sustainability and Transportation Committee	13 June 2017

Review of Air Quality Management and Low Emissions Strategy

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Previous reports to members on air quality have explained the benefit of having a holistic approach to the problems of improving air quality in Maidstone by adopting a Low Emissions Strategy (LES). This report proposes that the council issues the attached Low Emissions Strategy which includes an action plan (Appendix 1) to address air quality within the scope of control of the council or where the council can influence partner organisation. The report also proposes a revision of the Air Quality Management Area. Consultation for both elements will be with the statutory consultees such as DEFRA and open to all residents of the Maidstone Borough.
 - 1.2 The current Air Quality Action Plan (AQAP) for Maidstone was updated in 2008. Since then the majority of actions have either been completed or are no longer relevant. There remains an issue with high nitrogen dioxide levels in some areas of the Borough. These levels still pose a risk to the public health in those areas.
 - 1.3 The Maidstone Low Emissions Strategy will provide the context for Council's ambition to improve air quality and a programme of measures it wants to implement. It is proposed to combine the updated action plan within the Maidstone LES. The revised action plan is divided into key themes each with measures assigned to it. The themes are; Planning, Transport, Public Health, Property and Carbon Management, and Procurement.
 - 1.4 The revised action plan (Appendix 1 of the strategy) has been developed through a series of workshops based on each theme with specialists, Councillors and Officers.
 - 1.5 The review of the action plan has triggered an assessment of the current Maidstone Air Quality Management Area (AQMA) which has been in place since 2008.
 - 1.6 The report proposes that the AQMA is redefined to the footprint of the area where air quality exceedances of national objectives ($40\mu\text{g}/\text{m}^3$) has been recorded or modelled as shown in appendix 2.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The development of a Low Emission Strategy has been proposed in response to high levels of air pollution in specific parts of Maidstone. Previously the Council designated an Air Quality Management Area (AQMA) that covered the whole urban area due to elevated concentrations of Nitrogen Dioxide (NO_2) at residential receptors 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:-

2.3.1 From a Public Health perspective, it is known that high pollution levels can be responsible for both short term and long term health effects. It is estimated that approximately 72 deaths per annum are attributable to fine particulate concentrations (less than 2.5 microns in size). It should be noted that Maidstone is not currently in breach of the national objective for this pollutant. (Estimating local mortality burdens associated with particulate air pollution – Public Health England 2014) The report makes clear, however, that attributable deaths are not the same as actual deaths.

2.3.2 "Attributable deaths" is an estimate of deaths attributable to long term exposure to air pollution in a local area.

2.3.3 Long term exposure to air pollution is understood to contribute to deaths from respiratory and, particularly, cardiovascular disease. In other words, it is unlikely to be the sole cause of deaths of individuals.

2.3.4 This means that it is likely that air pollution contributes a small amount to the deaths of a larger number of exposed individuals rather than being solely responsible for a number of deaths equivalent to the calculated figure of "attributable deaths". The distribution of the mortality effect within the population is unknown.

2.3.5 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 able to demonstrate that it is taking this issue seriously and not only meeting but exceeding its statutory duty.

2.3.6 The United Kingdom is currently in the process of leaving the European Union. It is unclear exactly what if any impact this may have on air quality targets for the UK, this will not be known for several years. However the UK remains a signatory of the Paris Accord binding it to reducing emissions.

2.4 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

- c) To improve the emissions of the overall vehicle fleet using the Maidstone road network 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 and holistic approach covering all appropriate corporate policy areas. Under each area, specific actions aimed at reducing emissions are included.
- e) To assist Maidstone Borough Council comply with its statutory air quality obligations

- 2.5 The Low Emissions Strategy (LES) revises and incorporates the Council's Air Quality Action Plan which was last updated in 2008. The Environment Act 1995 also requires that Action Plans be periodically reviewed – while no time limit is set, the latest DEFRA Policy Guidance, PG16, states that DEFRA would expect this to occur no later than every five years and more frequently if significant changes to sources occur within your local area.
- 2.6 The action plan appended to the strategy has been developed through a series of workshops involving businesses, partner organisations, Councillors and Officers across relevant service areas based on each theme.
- 2.7 The action plan is divided into the key themes set out in the strategy and each action has been recommended by the Councillors on the working group. There are 28 actions listed in total. Some of the actions can be delivered within MBC while the majority of actions will involve working with active participation from partners outside the authority. The most important of these are Kent County Council (KCC) and bus operators without whom the projects that are likely to make most impact unlikely to be successful. A full breakdown of the key stakeholders for each project is included in the action plan appended to the strategy.
- 2.8 The action plan includes projects which can be delivered using existing knowledge and resources within the Council. It also includes projects which will require extensive research and funding provision to deliver. The best example of this is the imposition of a "Low Emissions Zone" which requires research to fully identify the mechanisms, costs, risks and benefits. Projects of this nature if carried forward to the final action plan will be subject to individual reporting for approval prior to being implemented. This will enable Councillors to decide if they wish to proceed from a basis of the best available information. These projects have been clearly marked in the action plan with "ball park" estimates of potential costs provided.
- 2.9 A limited assessment of potential impact and risks is included in the action plan appended to the strategy document. Where there are as yet unknown costs or risks this is identified.
- 2.10 The current Maidstone Air Quality Management Area (AQMA) was declared in 2008 and covers the whole urban and suburban area of Maidstone. The significant update of the action plan should trigger a review of the AQMA to ensure that the action plan is directly relevant to the AQMA.

- 2.11 Since 2008 Maidstone have refined the air quality information gathered and developments in air quality modelling enable officers to define areas of air quality exceedance ($40\mu\text{g}/\text{m}^3$) far more accurately.
- 2.12 This data was provided to a leading UK Air Quality Consultancy, who were commissioned to model the extent of the areas of poor air quality providing several options to consider. This report is provided as a background paper for information.
- 2.13 An options appraisal on the revision of the AQMA is provided in Appendix 2.
- 2.14 Redrawing the boundaries of the AQMA more accurately to reflect areas of exceedance will remove the inequity of including premises within the area where there is no evidence of exceedances but imposes additional development costs to undertake air quality assessments. This also enables the Council to focus its energies more effectively and progress the ambitious actions proposed in the strategy.
- 2.15 The LES will complement but not duplicate a number of other ongoing policies of the council including, Local Plan, Infrastructure Delivery Plan, Integrated Transport Strategy, Licensing Policy, Parking Policy, Commissioning and Procurement Strategy. Where applicable, the LES and its guiding principles will seek to influence new or revised Council policies or strategies to ensure that emissions reduction is considered.
- 2.16 The LES will also support but not duplicate the work of the councils Public Health initiatives in particular those relating encouraging car users to travel by alternative means such as public transport and active travel.
- 2.17 In line with the Council's constitution progress on the actions approved will be reported back to the Strategic Planning, Sustainability and Transportation Committee on an annual basis co-ordinated by the Environmental Protection Team. The action plan appended to the strategy will be updated at this time to show what progress and outcomes made. The strategy as a whole will be reviewed in 2021 in line with the review of the Local Plan.

3. AVAILABLE OPTIONS

- 3.1 Option 1: Approve the Low Emissions Strategy and appended action plan with the revision of the AQMA following which the proposal will undergo a formal consultation to provide public feedback on the proposals. It is appropriate that a revision of the AQMA coincides with the adoption of a LES and action plan to ensure each element directly link. The revision of the AQMA is also necessary to justify a number of the proposed actions which it would be inappropriate to enact over the wider area of the current AQMA.
- 3.2 Option 2: Approve the Low Emission Strategy and appended action plan for consultation without reviewing the boundaries of the AQMA. This option will provide feedback on the LES and action plan. However there is a distortion between strategy and AQMA failing to reflect the current knowledge of air

quality in the borough. It may be difficult to counter arguments that some of the proposed actions cannot be justified over such a wide area.

- 3.3 Option 3: Approve the revision of the AQMA for consultation. This will provide feedback on the proposal but it will not progress a Low Emissions Strategy or action plan. The current AQAP adopted in 2008 will remain in place. It will be necessary to review the AQAP in its own right and produce a more limited plan to replace it.
 - 3.4 Option 4: Approve neither the Low Emissions Strategy with appended action plan nor review the AQMA. The Council has a statutory duty to have an AQAP in response to the declaration of the current AQMA in 2008. The current AQAP also issued in 2008 and must now be updated in its own right should the decision be taken not to progress with the LES. This plan would be more limited in scope than the proposed LES and have reduced impact on air quality and health.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1: Approve the Low Emissions Strategy and action plan with a revised AQMA. To open the LES, action plan and revised AQMA for public consultation.
 - 4.2 This option provides a robust review of the air quality within the borough based on current information and knowledge from air quality data. It provides links to the LES and action plan to provide mitigation and remediation of air quality exceedances in the borough. The revision of the AQMA is also necessary to justify a number of the proposed actions which it would be appropriate to enact over the wider area of the current AQMA.
 - 4.3 Adopting the LES with the action plan provides a more streamlined strategy that will enable the council to fulfil its statutory responsibility. It will also provide a holistic approach to tackling the issues associated with poor air quality.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 A Low Emissions Strategy workshop open to all Councillors in July 2016 explored the potential benefits of developing an LES for the Council. This workshop concluded that an Officer/Councillor working group should be established to produce an action plan to be incorporated into the strategy.
 - 5.2 A total of five subsequent workshops were held to examine potential actions within each theme of the LES. Expert witnesses were invited to attend and this included representatives from businesses operating locally such as the bus companies. The working group concluded with the identification of actions that Councillors have recommended to the Committee could be taken forwards to the action plan appended to the strategy.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 It is intended that the proposed strategy, action plan and revision of the AQMA will be subject to specific consultation. This will include statutory consultees in DEFRA, Environment Agency, Highways England, neighbouring local authorities, County Council. In addition to all Councillors, Parish Councils, local residents, local businesses, local MP and targeted special interest groups.
- 6.2 Following approval by the SPST Committee the consultation will run for 6 weeks from 3rd July 2017 to the 27th August 2017. It will include direct contact with the statutory consultees, Councillors and Parish Councillors, special interest groups and any partners identified. It will also include use of social media to publicise the consultation, promotion on the councils "Next Door Forum", advertisement in the Council's new in-house resident's news letter. In addition Environmental Protection Officers will undertake a consultation day in Jubilee Square where they will be available to speak to members of the public and any other interested party.
- 6.3 The feedback received from the consultation will then be collated and analysed for consideration.
- 6.4 The final strategy and action plan with revised AQMA will then be presented to the committee to decide on its formal adoption

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Keeping Maidstone Borough an attractive place for all – by seeking to improve the air quality and the health of residents and visitors to the borough.	Duncan Haynes
Risk Management	<p>The Council is required to have an up to date AQAP, without this there is a risk that the Council will be in breach of its statutory duty. While the Council does not have to have an LES, this LES, incorporating an AQAP will fulfil its statutory duty. If the Council does not progress the LES it will need to revise the AQAP.</p> <p>The UK government is currently facing infraction proceedings for</p>	Duncan Haynes

	<p>failing to meet its targets to reduce poor air quality. Government has proposed that it may pass on any fines to local authorities that it perceives are failing to tackle air quality. The LES represents an opportunity to demonstrate that the Council is taking the matter seriously and doing more than the statutory minimum to address it.</p> <p>The issue of poor air quality gained a significantly higher public profile both nationally and locally in recent months. The LES represents an opportunity to demonstrate that the Council is taking the matter seriously and doing more than the statutory minimum to address it.</p> <p>There are a number of proposed actions in the action plan which are potentially controversial and may prove unpopular with specific stakeholders or groups such as bus companies. In these cases where actions require further preparatory investigation and risk appraisal such as the imposition of a Low Emissions Zone they will be subject to specific and individual reporting and committee approval.</p>	
<p>Financial</p>	<p>It is anticipated that most projects will be delivered using existing budgets and resources. However there are some projects such as the potential low emissions zone that will require extensive further research and costing. In these cases where there are significant cost implication these projects with fully detailed costing will be subject to separate reporting to</p>	<p>Monisola Omoni</p>

	committee to enable an informed decision to be made.	
Staffing	It is anticipated that most actions will be delivered by the relevant areas of the Council within existing staffing levels. However there are some larger projects such as the potential low emissions zone that may require additional resources to be made available.	John Littlemore
Legal		[Legal Team]
Equality Impact Needs Assessment	As part of the consultation process, the impact on groups with protected characteristics, for example children and young people will be considered. It will be ensured that there is engagement with hard to reach groups as part of the public consultation.	Equalities and Corporate Policy Officer
Environmental/Sustainable Development	The LES and revision to the AQMA will result in improvement of the environment and in the actions proposed under the planning section contribute to sustainable development.	Duncan Haynes
Community Safety	No issues identified.	Duncan Haynes
Human Rights Act	No issues identified	Duncan Haynes
Procurement	The LES will provide for emissions and sustainability factors to be considered to a greater degree in procurement	[Head of Service & Section 151 Officer]
Asset Management	The LES will provide for emissions and sustainability factors to be considered to a greater degree in asset management.	[Head of Service & Manager]

8. REPORT APPENDICES

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

- Appendix I: Low Emissions Strategy with appended action plan

- Appendix II: Air Quality Management Area options appraisal
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9. BACKGROUND PAPERS

Review of Maidstone Air Quality Management Area by Air Quality Consultants
2016

Estimating local mortality burdens associated with particulate air pollution –
Public Health England 2014

*To access the Background Papers for this item please follow the link below and
select the option to view the background to the item.*

<https://services.maidstone.gov.uk/meetings/ieListDocuments.aspx?CIId=579&MIId=2833>