

# TONBRIDGE & MALLING BOROUGH COUNCIL

## STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

31 August 2021

### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

## 1 UPDATED AIR QUALITY ACTION PLAN

### 1.1 Summary

1.1.1 With 6 declared Air Quality Management Areas (AQMAs) TMBC has a statutory duty to keep updated an Air Quality Action Plan (AQAP) to outline the actions we will take to reduce concentrations of the pollutant of concern in the AQMA's so that they can all eventually be revoked. Working with consultants Bureau Veritas we have identified actions which we propose to take up to 2026 to tackle Nitrogen Dioxide, primarily within the remaining AQMA's, but also across the Borough as a whole. A public consultation was conducted between 1<sup>st</sup> February and 30<sup>th</sup> April. The final draft AQAP is presented in **Annex 1** with relevant public comments noted in **Annex 2**.

### 1.2 Background

1.2.1 The Council has a statutory duty under Part IV of the Environment Act 1995 to;

- Monitor air quality within its boundary,
- Declare an Air Quality Management Area (AQMA) where air quality exceeds the relevant standards laid down in law,
- Where an AQMA is declared, prepare an Air Quality Action Plan (AQAP) to demonstrate how it intends to reduce the pollutant causing the exceedance, and;
- Review AQMAs and AQAPs in response to ongoing monitoring.

1.2.2 A draft updated AQAP was approved by this board on 5 October 2020, with a view making the draft available for public consultation in early 2021.

1.2.3 The AQAP is a Statutory Document required to focus solely on actions to tackle the exceedances of air quality objectives which led to the declaration of AQMA's, ultimately as an aid for reducing the health effects of poor air quality. However,

the actions proposed will also support the recently agreed Climate Change Strategy which looks at a much broader range of actions to address the effects that all types of pollution are having on our natural environment. It will also support KCC's Energy and Low emission Strategy which looks at a much broader range of pollutants and which members of this board endorsed in December 2020.

### 1.3 Public Consultation

- 1.3.1 Public consultation was undertaken in the form of a questionnaire on our website which went live on 1<sup>st</sup> February 2021, to publicise this there were a number of social media posts with a dedicated link to the website. Neighbouring Authorities and other relevant agencies were also consulted.
- 1.3.2 Initially it was intended to leave the questionnaire online for 6 weeks. Unfortunately, initial IT issues meant some people were unable to complete the form. It was decided to leave the consultation open until 30<sup>th</sup> April and a number of additional social media posts were made to advertise this fact; with residents taking advantage of this extension.
- 1.3.3 Attached at **annex 2** to this report is a summary of the relevant responses to the consultation from members of the public and relevant public organisations from the free text box of the questionnaire and also several direct emails. In total we received 74 responses.
- 1.3.4 Whilst the number of responses is low in comparison to Borough population, those who did respond have taken the time to provide useful feedback, for which we are extremely grateful. The responses have highlighted a number of issues which have been considered to ensure they are reflected on in the AQAP.

### 1.4 Questionnaire responses

- 1.4.1 Contrary to some concerns raised, the questionnaire was not designed to rule out any action within the draft plan. The intention was to better understand residents' current trends with regards to road use which has been identified as the main factor in the declaration of the AQMA's in Tonbridge and Malling, and layman understanding of proposed actions. Unfortunately, the respondent base is not large, but there are indications that our proposed actions will make a difference if correctly implemented.
- 1.4.2 Appendix B of the AQAP document shown at **annex 1** to this report, presents in chart form responses to the questionnaire giving useful insight into factors such as;
- Air Quality awareness (less than 30% of respondents were aware we have six declared AQMA's in the Borough).

- Current car ownership (Of those responding almost 45% came from households with two cars, and just 2.7% came from a household with no cars).
- The use of those vehicles (for those respondents living and working in the Borough almost 77% use their cars to commute).
- The way children travel to school (of all respondents with children of school age, over 40% are still taken to school in cars).

## 1.5 Comments on Draft Air Quality Action Plan

1.5.1 As well as the questionnaire, respondents were given the opportunity to freely comment on the draft AQAP. A list of those responses relevant to the consultation document are shown in **annex 2**, with some of the key themes discussed below.

1.5.2 M25 J5 west facing slip:

The greatest number of responses on a single issue related to the above, where the lack of an exit slip at the M26/M25 interchange at Sevenoaks means traffic including a high proportion of HGV's travelling to the Sevenoaks area uses the A25 instead, affecting the AQMA at Borough Green and creating pollution along the whole route. Residents and local Parish Councils have been pressing for a new slip road for many years.

This issue is not a current strategic priority within the Kent and Medway Growth Infrastructure Framework. Whilst highways works are not within the direct remit of the Council, we have amended Action 7 to reflect liaison with colleagues at KCC Highways and Highways England to keep this option on the agenda and to push forward to completion where such opportunities arise.

1.5.3 Planning;

A number of respondents raise concerns over planning, including large scale residential developments both within the Borough and in neighbouring districts, and the effects these will have on air quality from commuting traffic.

Whilst it is outside of the scope of the AQAP to set targets for residential development, it does acknowledge that planning is a key consideration. As a core function of the Environmental Protection Team we already work closely with planners to ensure that air quality effects both caused by the new development, and on the new development itself are considered and that all current and relevant guidance is used in those assessments. Where developers contribute via a Section 106 agreement, Action 9 is designed to more closely consider where some of that contribution can be spent in regard to improving air quality.

#### 1.5.4 Electric vehicles:

This was another theme that featured in several responses. Most people welcomed a commitment to increase charge points across the borough and others were keen for us to explore electric buses and delivery vehicles.

Whilst electric bus and HGV technology is in its infancy Actions 1 and 3 looking at bus and freight quality partnerships respectively will help us to push this issue up the agenda and in addition we are already exploring the options for EV charge points in Council owned car parks in line with Action 10 and dedicated charging points for Taxi's in support of Action 2.

#### 1.5.5 Pedestrianisation of Tonbridge High Street:

A number of respondents wanted to see commitment to the full pedestrianisation of Tonbridge High Street.

As shown in Appendix C of the AQAP at **annex 1**, this action was considered by the steering group to be unrealistic at this time, given the very recent investment there. In addition, whilst it would improve air quality on the High Street, the traffic would not disappear and the problem would only be displaced, potentially to an area affecting many more residential properties. Whilst it is not proposed to add such an action at this time, it will be kept under periodic review potentially for inclusion in the next iteration of the AQAP.

### 1.6 Next steps

1.6.1 The final draft AQAP as shown at **annex 1** is currently undergoing statutory appraisal by DEFRA. Unfortunately, at the time of writing at print deadline, DEFRA have not formally issued the results of that appraisal although it is expected imminently.

1.6.2 To prevent further significant delay, it is recommended that members endorse the document as presented at **annex 1**. If as expected it is approved by DEFRA the document will go live and work on the actions therein can begin in earnest.

1.6.3 Should DEFRA seek amendments prior to their approval, it is considered that as they are the statutory body in this area, any changes proposed can be made in consultation with the Cabinet Member.

1.6.4 Annual updates on progress with the actions within the plan are a requirement of our Annual Status report submitted to DEFRA in June each year. These updates will also be reported to members going forward.

1.6.5 It should also be noted that there is nothing to prevent new actions which may present themselves during the life of the plan from being taken forward even though they are not specifically listed within the current document. In addition, should over

the life of the document new AQMA's be declared then it will be a statutory requirement to update the AQAP accordingly.

## **1.7 Legal Implications**

- 1.7.1 The Council has a statutory duty to monitor air quality within the Borough but specific pollutants are not described within this requirement. The Council has monitored Nitrogen Dioxide through a network of passive diffusion tubes and continuous monitors since the 1990's in line with this statutory duty.
- 1.7.2 The Council also has a statutory duty under the Environment Act 1995 to prepare and update AQAPs where AQMA's have been declared, which has occurred as detailed in this report.

## **1.8 Financial and Value for Money Considerations**

- 1.8.1 Air Quality monitoring has an annual budget which due to Covid-19 effects on budgets has been reduced by £1000 this year. However, this saving has been achieved through producing our Annual Status Report 'in house' and our other Air Quality work has not been affected. There is no budget set aside for the implementation of the Action Plan.
- 1.8.2 Each action proposed in **Annex 1** was put forward on the basis of a basic cost benefit analysis and the remaining actions were felt to be able to create a meaningful differences to levels of Nitrogen Dioxide both in the AQMA's cited and across the Borough as a whole whilst being achievable at a reasonable cost.
- 1.8.3 Although no costs have been finalised, it is anticipated that costs to the Council for implementing actions will be diverse, ranging from only officer time where actions involve the development of partnerships and policies to drive change, up to thousands of pounds where procurement may be required.
- 1.8.4 Those actions requiring Council funding which cannot be met from existing budgets, can only be funded through bids being made/grant money received. However, there are regular opportunities to bid for funding for Air Quality projects from different sources including DEFRA and every opportunity will be made to secure funding from these sources during the life of this AQAP however DEFRA require a 10% match funding contribution for each successful bid.
- 1.8.5 It is anticipated that as the aims of the AQAP accord with the aims of the Climate Change Strategy some funding from that reserve could be utilised for match funding purposes.

## **1.9 Risk Assessment**

- 1.9.1 None

## **1.10 Equality Impact Assessment**

1.10.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.11 Policy Considerations**

1.11.1 Planning, Air Quality and Climate Change, as detailed in the report and associated Annex.

## **1.12 Recommendations**

1.12.1 That subject to any further amendments from Members and/or DEFRA, the Air Quality Action Plan as set out in full at **Annex 1, BE ENDORSED**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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