

## TONBRIDGE & MALLING BOROUGH COUNCIL

### COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

22 May 2024

#### 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 AIR QUALITY MANAGEMENT AREA STATUS UPDATES AND RECOMMENDATIONS

#### 1.1 Legislation background

- 1.1.1 Part IV of the Environment Act 1995 as amended by the Environment Act 2021 forms part of the legislation that Local Authorities have a duty to comply with to monitor and tackle air pollution. The Local Air Quality Management (LAQM) Technical Guidance 2022 document (TG22) provides the current statutory guidance as to how LAs should comply with this legislation.
- 1.1.2 In TG22, section 3.57 states that the revocation of an Air Quality Management Areas (AQMA) status should be considered following three consecutive years of compliance with the air quality objective for which the AQMA was declared, as evidenced through monitoring. In Tonbridge and Malling all of our six current AQMAs are declared for exceedances of the Nitrogen Dioxide (NO<sub>2</sub>) annual mean objective of 40 µg/m<sup>3</sup>.
- 1.1.3 Where monitoring is completed using diffusion tubes, it is recommended that revocation of AQMA status should be considered following three consecutive years of annual mean NO<sub>2</sub> concentrations being lower than 36 µg/m<sup>3</sup> (i.e. within 10 % of the annual mean NO<sub>2</sub> objective). There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.
- 1.1.4 TG22 refers to covid years (2020 & 2021) in section 3.54 and says that where covid years form part of the consecutive years of compliance AQMAs may still be considered for revocation particularly where a downward trend in pollution levels was already evident.
- 1.1.5 To add additional context, it is also a statutory requirement for Councils to submit an Annual Status Report (ASR) on air quality monitoring to DEFRA by 30 June each year. In our 2023 ASR appraisal by DEFRA, they commented on the status of some of our AQMAs and that they expect reviews and where appropriate revocations to occur in line with TG22, given our monitoring results.

- 1.1.6 In their words '*AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM*'
- 1.1.7 There is a risk of censure by DEFRA if not seen to be complying with Statutory Guidance.
- 1.1.8 With the above in mind, we have reviewed results at our six AQMAs.

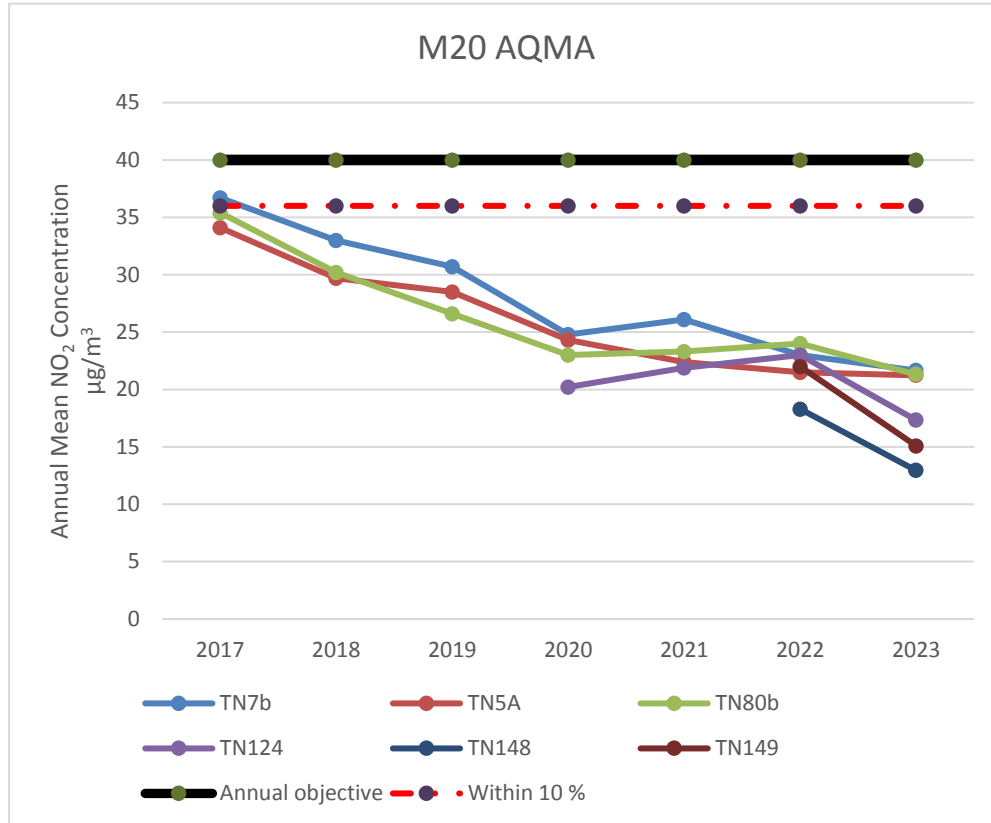
## **1.2 AQMA Status**

### **1.2.1 M20 AQMA, M20 between the New Hythe Lane and Hall Road Bridges**

The M20 AQMA should be revoked in line with statutory guidance in TG22. As indicated in Figure 1 below, monitoring at receptors using diffusion tubes has not exceeded the annual objective for NO<sub>2</sub> or been within 10 % of the annual objective in the last five years or more.

Pollution levels were decreasing at receptors even before the motorway was widened and converted to smart Motorway with those works completed in 2020. Ultimately free flowing traffic at consistent speeds allows engines to work most efficiently. Even with a slight upturn at some monitoring sites in 2022 following the Covid years, Pollution from NO<sub>2</sub> is at least 15µg/m<sup>3</sup> below the annual objective, with no justification for keeping this AQMA in place.

Figure 1, results for the M20 AQMA



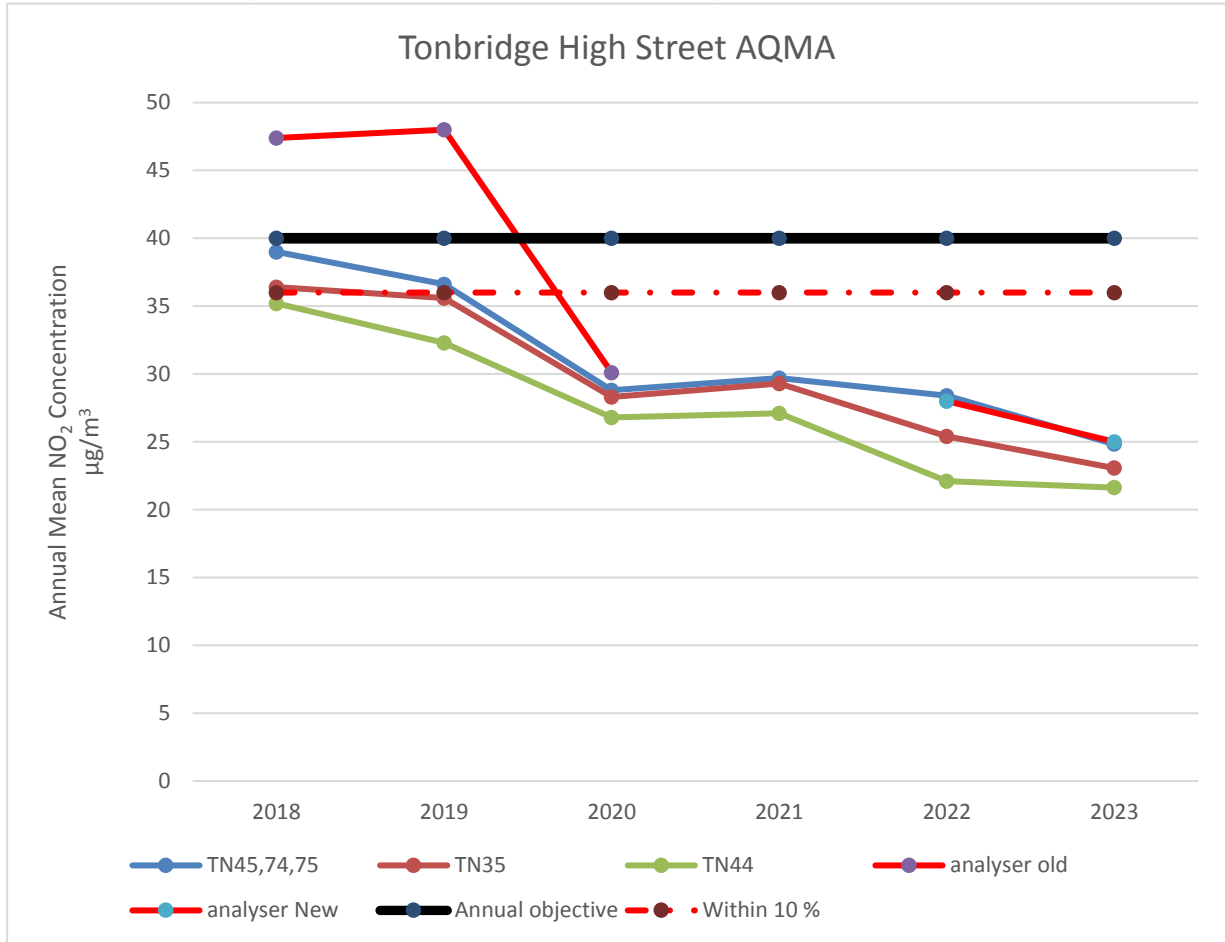
### 1.2.2 Tonbridge High Street AQMA, Tonbridge High Street between Vale Road and The Botany

The diffusion tubes results within the AQMA have not been within 10 % of the NO<sub>2</sub> annual objective for the last four years and pollution levels at these sites were in decline pre covid. This decline has continued post covid (not withstanding a very small bounce back in 2021 following the main Covid lockdowns of 2020). Results for 2022 and 2023 show a continuation of the downward trend and all diffusion tubes monitoring sites within this AQMA are now at least 15µg/m<sup>3</sup> below the annual objective.

Although the continuous analyser (old) recorded levels above the objective when placed in the old McDonalds site (now Taco Bell), when a replacement was placed almost opposite in 2022 (above The Works) it has consistently recorded well under the annual objective.

Based on these results, if NO<sub>2</sub> levels remain consistent in 2024, then in line with TG22 this AQMA can be revoked in 2025.

Figure 2, results within the Tonbridge High Street AQMA

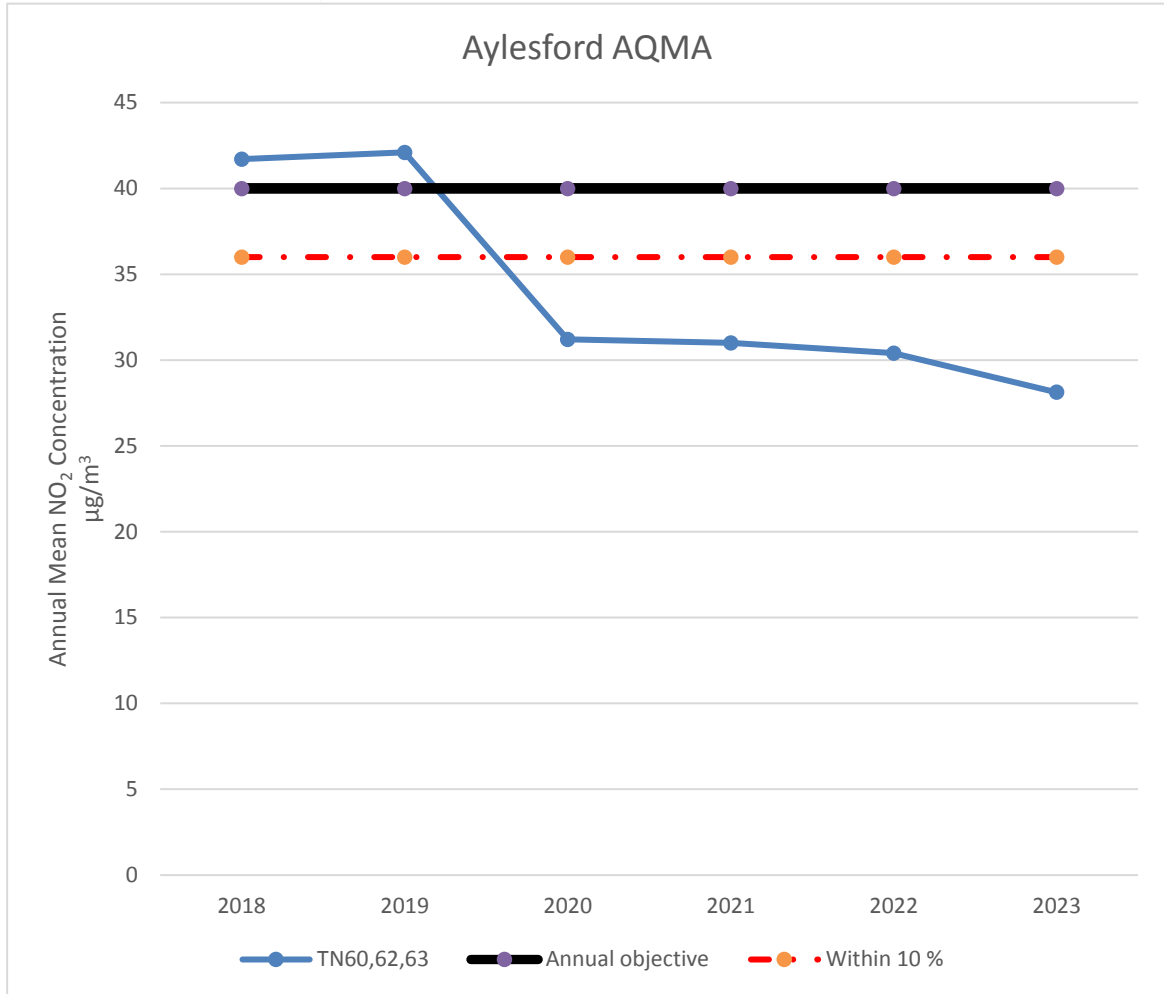


### 1.2.3 Aylesford AQMA, A20/Hall Road/Mills Road Crossroads

The triplicate diffusion tube site on the closest sensitive receptor within this AQMA has seen a continued decline in NO<sub>2</sub> post Covid. The last four years have not been within 10% of the objective and although shallower than falls at other sites a continued downward trend in NO<sub>2</sub> levels has emerged.

Based on these results, if NO<sub>2</sub> levels remain consistent in 2024, then in line with TG22 this AQMA can be revoked in 2025.

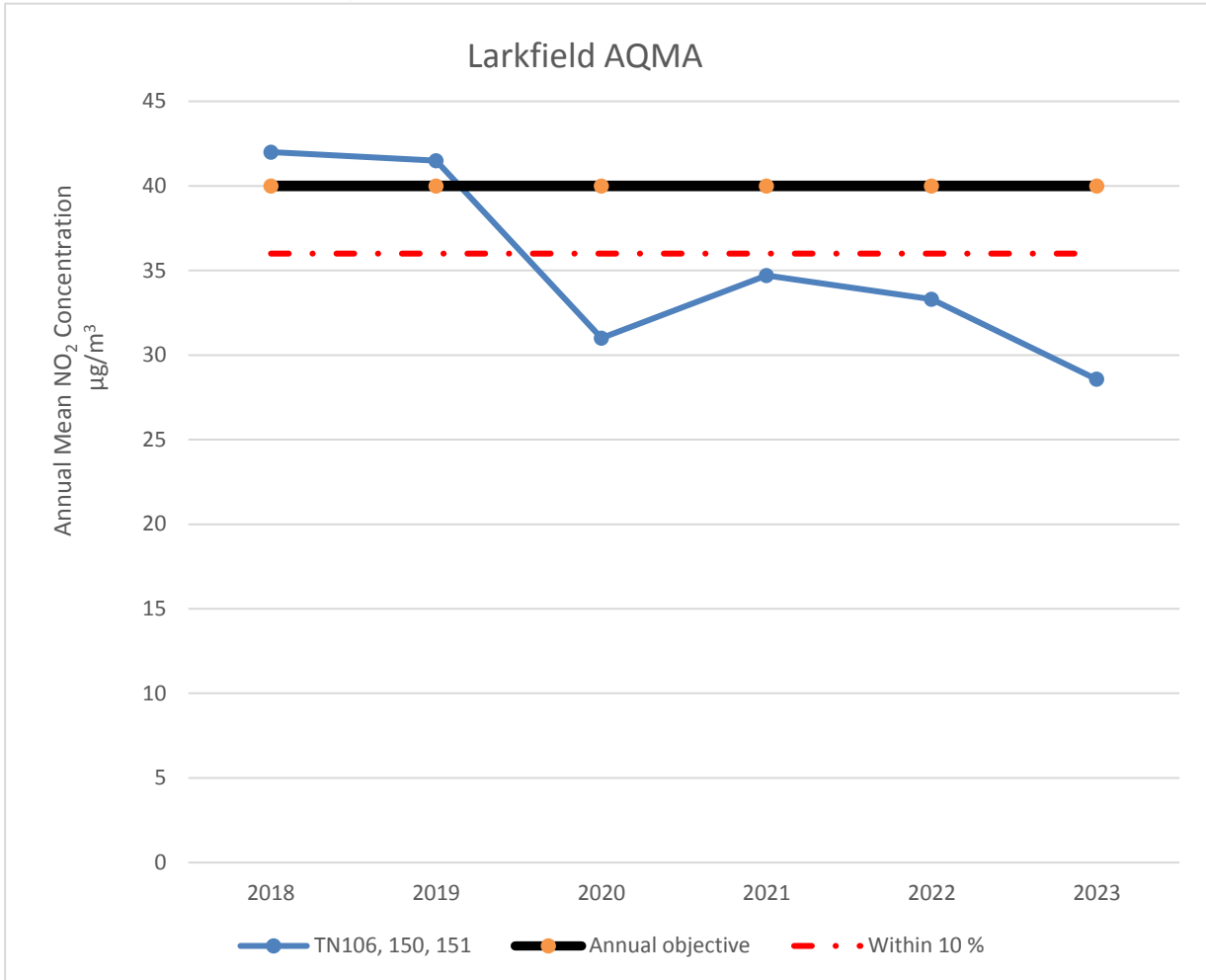
Figure 3, result within the Aylesford AQMA



#### 1.2.4 Larkfield AQMA A20/New Hythe Lane Junction

This AQMA is also monitored by a triplicate diffusion tube site. It has recorded under the  $36 \mu\text{g}/\text{m}^3$  threshold for at least four years. Although much closer to that threshold than other AQMAs it has shown a consistent downward trend in the last couple of years. If  $\text{NO}_2$  levels remain consistent in 2024, then in line with TG22 this AQMA can be revoked in 2025.

Figure 4, result within the Larkfield AQMA

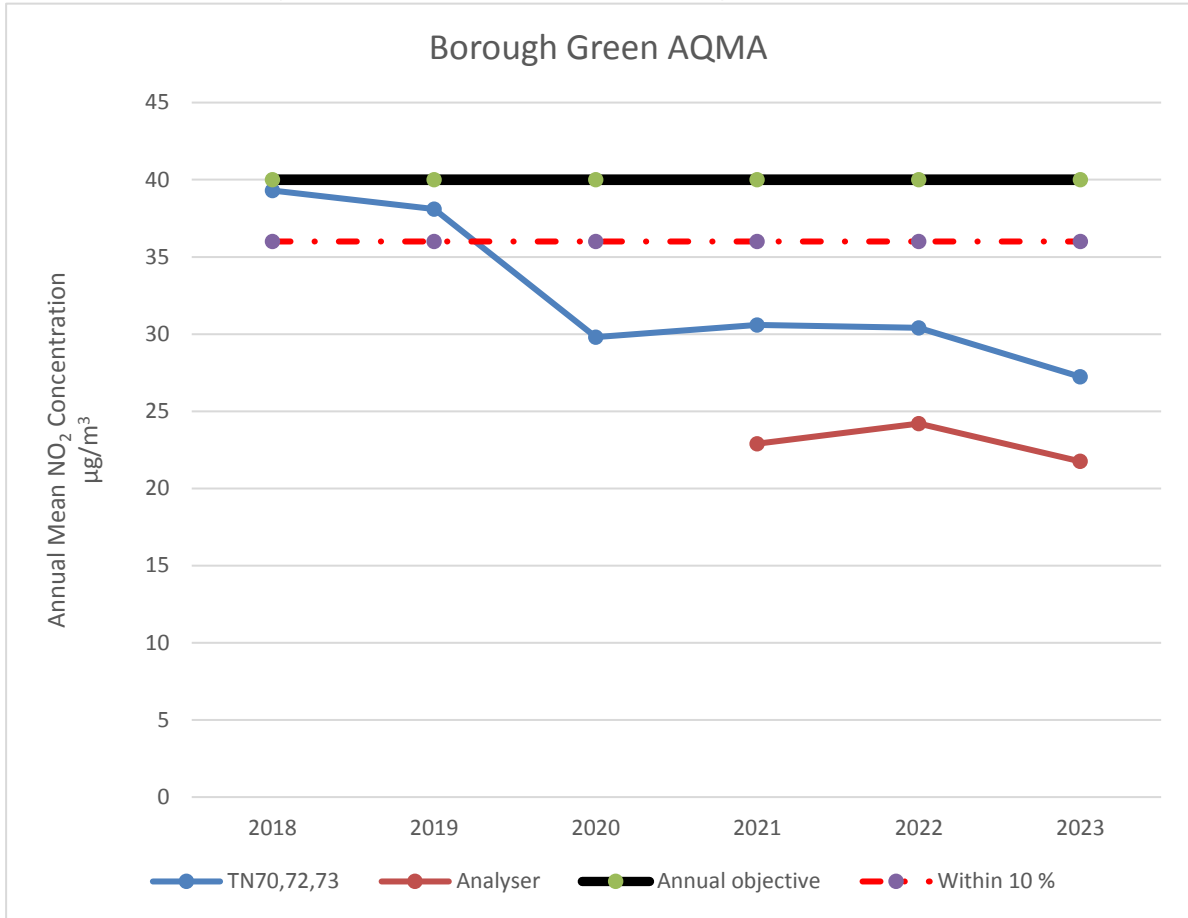


### 1.2.5 Borough Green AQMA Junction of Sevenoaks Road and Western Road

This AQMA is served by a triplicate diffusion tube site, and a continuous analyser which went online in mid-2021. Currently both results sit well under the NO<sub>2</sub> annual mean 40µg/m<sup>3</sup> threshold. If continuous analyser results for 2024 show similar levels, then this AQMA can be revoked in 2025 in line with TG22.

For clarity there is also a particulate monitor co located with the continuous NO<sub>2</sub> analyser. However, the existing AQMA was not declared for exceedances of the particulate objectives, and monitoring to date indicates that any such declaration is highly unlikely.

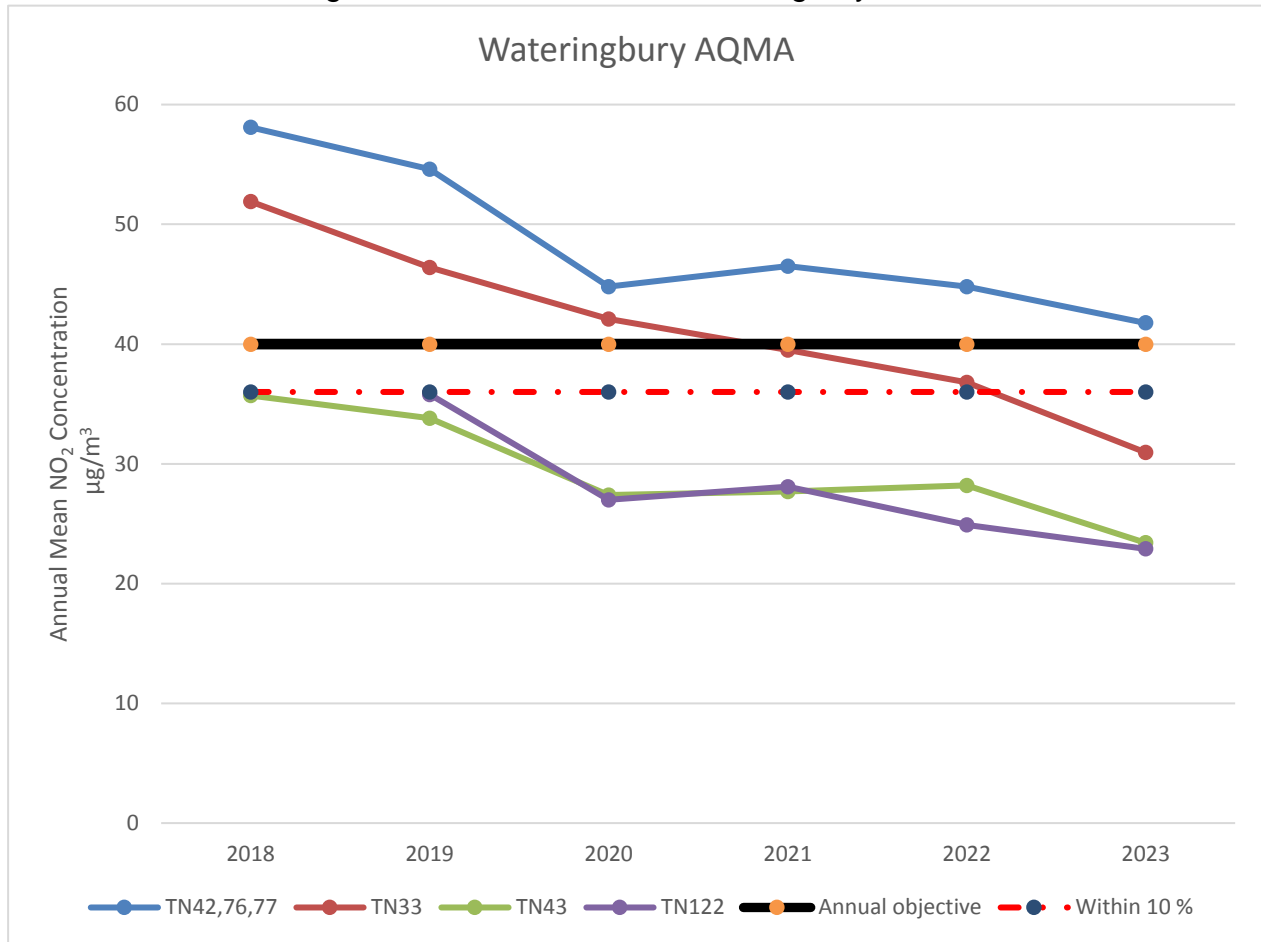
Figure 5, results within the Borough Green AQMA



**1.2.6 Watringbury AQMA**  
**Watringbury Crossroads A26/Bow Road/Red Hill**

Watringbury continues to be our only AQMA where diffusion tube monitoring exceeds the Annual NO<sub>2</sub> objective. Although levels were declining pre Covid, this site has always recorded our highest levels in the Borough and so if current rates of reduction remain the same it is predicted to still be around 5 years before this AQMA could be revoked given the timeframes in TG22.

Figure 6, results within the Wateringbury AQMA



### 1.3 Conclusions

- 1.3.1 The M20 AQMA should be revoked this year as it already meets the tests in TG22 for AQMA revocation.
- 1.3.2 Tonbridge High Street, Aylesford, Larkfield and Borough Green AQMAs should be kept under review until final monitoring results for 2024 are known (expected to be around Easter 2025). If results remain under  $36 \mu\text{g}/\text{m}^3 \text{NO}_2$ , then these AQMAs should be revoked in line with TG22.
- 1.3.3 The Wateringbury AQMA is unlikely to meet the revocation criteria in the near future and will be TMBC's sole AQMA if all other AQMAs are revoked as expected by mid-2025.
- 1.3.4 AQ monitoring across the borough will continue in line with our statutory requirements to do so, with the flexibility to move monitoring sites currently outside of AQMAs as appropriate.
- 1.3.5 Monitoring within the current AQMAs will continue, to keep air quality under review in known hotspots.



1.3.6 As per guidance in TG22 a new AQMA can be declared if pollution exceeds the relevant objective levels.

## 1.4 Legal Implications

1.4.1 The process for air quality monitoring, and the declaration/revocation of AQMAs are laid out in Statutory Guidance to which the Council must adhere.

## 1.5 Financial and Value for Money Considerations

1.5.1 The costs incurred in carrying out our current level of air quality monitoring are budgeted for. There is no direct cost associated with the revocation of AQMAs.

## 1.6 Risk Assessment

1.6.1 The main risk arising is the non-compliance with statutory guidance where AQMAs are kept in force despite monitoring showing they should be revoked. This may result in censure by DEFRA.

## 1.7 Recommendations

1.7.1 That Members **RECOMMEND** to Cabinet the revocation of the M20 Air Quality Management Area.

1.7.2 That Members **RECOMMEND** that Cabinet acknowledge the status of the Air Quality Management Areas in Tonbridge High Street, Aylesford, Larkfield and Borough Green and review again in 2025 with a view to revocation should monitoring results for 2024 be conducive.

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

contact: Crispin Kennard  
Environmental Protection  
Team Manager

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health