

Proposals for the Air Quality Action Plan for the Hawkhurst AQMA

For Cabinet on 22nd September 2022

Summary

Lead Member: Cllr Luke Everitt

Lead Director: Paul Taylor, Director of Change & Communities

Head of Service: Gary Stevenson, Head of Housing, Health & Environment

Report Author: Dr Stuart Maxwell, Senior Scientific Officer

Classification: Public document (non-exempt)

Wards Affected: Hawkhurst and Sandhurst

Approval Timetable	Date
Management Board	24th August 2022
Portfolio Holder	[Insert date]
Communities CAB	7th September 2022
Cabinet	22nd September 2022

Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That Cabinet authorises the Environmental Protection Team Leader to consult on the proposed actions set out in Appendix A as part of the development of an Air Quality Action Plan for the new Hawkhurst AQMA.

1. Introduction and Background

- 1.1. A small Air Quality Management Area (AQMA) was declared in Hawkhurst on 1st December 2021. The declaration of this AQMA was approved by Cabinet in October 2021, and at the same time, the Environmental Protection Team was instructed by Cabinet to develop an Air Quality Action Plan to tackle the air quality exceedances in Hawkhurst.
- 1.2. The need for this AQMA arose as a result of the Council's statutory duties under Part IV, Section 83 (1) of the Environment Act 1995, which requires local authorities to review and assess air quality within their areas. Local authorities have a duty under the 1995 Act to designate those areas where the air quality objectives are not being met or are likely to be shown to be at risk of not being met, and where people are likely to be regularly present, as AQMAs. Following the declaration of an AQMA, the local authority is required to produce an Air Quality Action Plan (AQAP), which DEFRA would expect to be completed within about 12 months from the date of declaration.
- 1.3. Nitrogen dioxide (NO₂) levels at the façade of 30 properties in Cranbrook Road, Hawkhurst, were found to have exceeded the annual mean objective of 40µgm⁻³ based on measurements from 2019. NO₂ levels have decreased markedly since 2019, partly as a result of COVID restrictions reducing car usage, but also as part of a long-term trend of decreasing levels which has been seen both locally and nationally since about 2016. In 2021, the highest annual mean NO₂ level recorded in Hawkhurst was 40.4 µgm⁻³ which was measured outside 'Smugglers Rest' in Cranbrook Road. In 2019 an NO₂ level of 52.7µgm⁻³ was recorded at the same site. Our modelling has shown that there will be no air quality exceedances in Hawkhurst past the end of 2024.
- 1.4. The causes of the elevated NO₂ levels in the AQMA are primarily these:-
 - The volume of traffic using the junction, combined with queuing at the traffic lights.
 - The uphill gradient as you approach the lights from the Cranbrook side.
 - The narrow width of the street just before the lights, which leads to the creation of the so-called 'street canyon' effect.Obviously, the AQAP would not be able to address the gradient or width of the road, so it is inherently limited in what it can hope to achieve.
- 1.5. In developing the AQAP we are following the relevant Technical Guidance and Policy Guidance from DEFRA (TG16 and PG16) and have set up a steering group of relevant stakeholders to develop a draft list of actions.

The steering group comprised representatives from

Kent County Council (Various Teams)

TWBC Economic Development Team

TWBC Development Management Team

TWBC Planning Policy Team

TWBC Parking Services Team

Hawkhurst Parish Council

Local Council Members for Hawkhurst

- 1.6. The steering group has met several times since the AQMA was declared, and has developed a 'long list' of actions for possible inclusion in the AQAP, though it is already recognised that some of these actions will not be included in the action plan itself, as they are likely to be impractical on cost or other grounds.

2. Next Steps

- 2.1. The Guidance also requires the Council to undertake a public consultation on the measures in the AQAP. The purpose of this report is to seek permission from members to undertake the consultation.
- 2.2. Consultees include:-
 - DEFRA
 - Environment Agency;
 - Highways England;
 - All local authorities neighbouring TWBC;
 - The County Council;
 - Other public authorities as appropriate; and
 - Bodies representing local business interests and other organisations as appropriate.
- 2.3. At present we are mostly concerned with consulting local residents in Hawkhurst, particularly the residents of the AQMA.
- 2.4. We are proposing that the consultation will primarily be done online (with a paper option available to residents of the AQMA only) and will not include public meetings or focus groups etc. Partly as this is the most effective use of available resources, but also because of the small number of people affected, and the limited scope of the action plan actions.
- 2.5. The consultation will be kept as simple as possible. Consultees will be asked to rank and/or score the proposed measures, and suggest any other measures

which they think might help. They will also be asked to identify their 'respondent type' so we can understand whether they are responding on behalf of an organisation, or in a private capacity.

- 2.6. If permission is given, then the consultation will run between the 23rd September and 18th November. Once the consultation ends, the responses will be analysed and incorporated, as appropriate, into the final AQAP.
- 2.7. The final AQAP will be presented to Cabinet for approval in February 2023.

3. Options Considered

- 3.1. The purpose of this report is to seek permission for the Environmental Protection Team Leader to consult on the proposed actions in the Air Quality Action Plan which is being prepared for Hawkhurst. There is an option not to undertake this consultation, but this would not be in line with the relevant guidance and would not be considered best practice.
- 3.2. Another option would be not to develop an AQAP at all, However, this would mean the Council failing to meet its statutory air quality obligations.

4. Preferred Option and Reason

- 4.1. The preferred option is for the Environmental Protection Team Leader to be given permission to hold a public consultation on the actions below, as part of the development of a new Air Quality Action Plan for the Hawkhurst AQMA.
- 4.2. This would ensure that the Council continues to comply with all relevant Air Quality legislation, guidance and best practice.

5. Consultation on Options

- 5.1. No consultation has been undertaken at this stage as we are currently seeking permission to hold a public consultation.

Recommendation from Cabinet Advisory Board

The [committee name] Cabinet Advisory Board were consulted on [date of meeting] and agreed the following:

Insert text from Cabinet Advisory Board minute, or request text from Democratic Services Officer.

6. Implementation

- 6.1. If the necessary permission is given, the consultation will begin immediately, and run for a period of eight weeks, finishing on November 18th.
- 6.2. At the end of the consultation period, the responses will be evaluated and incorporated into the full Action Plan document, as appropriate.
- 6.3. The completed Action Plan will be presented to Cabinet in February 2023.

7. Appendices and Background Documents

Appendices:

Appendix A: List of Actions to be Included in the Consultation

Appendix B: List of Actions Considered but Rejected by the Steering Group (These will not be included in the consultation)

Background Papers:

Appendix A – List of Actions to be Included in the Consultation

Key to Tables

	Very likely to be included in the AQAP so will definitely be included in consultation
	Will require further consideration, but will be included in the AQAP
	Considered by steering group, rejected for further consideration and will not be included in the consultation

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
2	New improved traffic signals at crossroad to be integrated with all existing and new pedestrian crossings	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, inc Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	KCC	<p>Funding is available from S106 to do this. Query if will be fully effective if current parking continues to prevent flow of traffic. Potentially high impact</p> <p>Feedback from KCC that will not be integrated into new junction at Springfield gardens. But need info on integration with pedestrian crossings on Rye road, new and existing.</p> <p>Traffic lights will be integrated into the pedestrian crossing via S278 funding. Link to Springfield crossing to be confirmed. EH to liaise with planning.</p> <p>Timescale for delivery will depend on the development releasing funding, trigger is first occupation.</p>
3	Working with schools to promote active travel and travel plans	Public Information	Via other mechanisms	KCC/TWBC	<p>TWBC already has Clean air for schools scheme and is seeking to engage with KCC to extend. Impact likely to be low. Parish council happy to assist in securing engagement from schools with KCC and TWBC</p>

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
4	Awareness Campaign including signage	Public Information	Other	TWBC/KCC	<p>TWBC already has anti idling signs. Potential to more easily subject to KCC allowing use of street furniture. Parish council owns large number of street lights can support signage.</p> <p>Impact likely to be low</p>
6	Active Travel measures such as E – Bike Scheme	Promoting Travel Alternatives	Intensive active travel campaign & infrastructure	TWBC (Economic development)	<p>Wording of final condition to reflect TWBC ongoing commitment to look at funding streams through S106 or grants and to take advantage of any identified.</p> <p>S106 money but would need more development in area and also a detailed and costed scheme.</p>

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
7	Increased EV points	Promoting Low Emission Transport	Procuring alternative Refuelling infrastructure to promote Low Emission Vehicles, EV recharging, Gas fuel recharging	KCC/TWBC parking	<p>At Flimwell park just off district there are 6 co-working spaces which are applicable on the strategic network. Tesco have marked out 4 bays for EV assumed to be in advance of installation. 1 rapid charged at BP.</p> <p>Potential for promotion of peer to peer charging schemes (renting out your on drive charger).</p> <p>No KCC plans for on street charging but would support district in doing so.</p> <p>TWBC has own parking strategy and project to install chargers in all car parks including north grove next year.</p> <p>KCC have a scheme to work with parishes to install EV.</p> <p>Developments will all have EV built in.</p>

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
8	Work with businesses in the area such as Gills Green			TWBC	Need to bottom out what this might involve and who would lead. Need to clarify what this intends all to think about what was meant when proposed.
9	Ensure all developments are in accordance with current AQ policies in emerging local plan	Policy Guidance and Development Control	Air Quality Planning and Policy Guidance	TWBC Planning	Already ongoing
10	Have awareness of potential impact of cross boundary development	Policy Guidance and Development Control	Air Quality Planning and Policy Guidance	TWBC planning	Ongoing although influence is limited to consultee status. Good working relationship with neighbours.
15	Redirection of the European HGV route away from Hawkhurst	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, inc Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	KCC	Feedback from freight transport team that already have concerns about HGVS not using A roads causing problems on B roads. The A299 is a strategic route no suitable alternative identified. Parish council to suggest route to KCC for evaluation.

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
16	Change traffic lights at junction to a mini roundabout	Traffic Management	Strategic highway improvements, Re-prioritising road space away from cars, inc Access management, Selective vehicle priority, bus priority, high vehicle occupancy lane	KCC	KCC to feedback on potential. Residents believe that traffic flows better when the signals are broken and a roundabout would promote more considerate driving. The roundabout being mini would give large vehicles ability to drive over.

Appendix B – List of Actions Considered but Rejected by the Steering Group (These will not be included in the consultation)

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
1	Remove/Reduce or move parking on Cranbrook Road			KCC/TWBC (parking)	Has been looked at several times, likely to be unpopular with residents. Query if needed if traffic light improvements are effective. Potentially high impact
5	Clean Air Zone			KCC	Very expensive not likely to be justified for the size of the problem
11	Alternative to pedestrian crossing such as a bridge			KCC?	Cost, conservation area etc
12	Remove one of the crossings on the high street			KCC	See amended action 1
13	Protect residents of affected houses by offering to install mitigation such as mechanical ventilation			TWBC	Would not solve the problem, cannot make residents take up offer and cost implications

Measure No.	Measure	EU Category	EU Classification	Lead Authority	Comments
14	New or expansion of current car club to Hawkhurst			TWBC Economic development	ED talking to co wheels about expansion in near future. Potential for 106 funding but would be reliant on significant development in area. ED have met with co wheels. Evidence base for uptake does not support their expansion. Would need to set up and heavily subsidised in the long term by TWBC or other contributor. No prospect of becoming self sustainable

9 Cross Cutting Issues

A. Legal (including the Human Rights Act)

The development of an AQAP is required for TWBC to comply with section 83(1) of Part IV of the Environment Act 1995. This legislation requires Local Authorities to develop AQAPs in order to tackle exceedances of the air quality objectives found in their AQMAs

Robin Harris, Team Leader, Contentious and Corporate Governance, August 2022

B. Finance and Other Resources

There are no significant costs associated with the actual development of the AQAP. These can be met within existing budgets and largely involve officer time. The cost implications of the actual actions within the AQAP will need to be considered when it is being developed.

Duncan Haynes, Environmental Health Team Leader, 8th August 2022

C. Staffing

Development of the AQAP is part of the air quality review and assessment process which is part of the day to day job of the Environmental Protection team. No additional staff will be required.

Duncan Haynes, Environmental Health Team Leader, 8th August 2021

D. Risk Management

The only risk which has been identified is of TWBC failing to comply with its statutory obligations in respect of Local Air Quality Management. By developing the AQAP as described, TWBC is demonstrating the necessary compliance with the relevant legislation.

Stuart Maxwell, Senior Scientific Officer, August 2022

E. Environment (inc. Biodiversity) and Sustainability

The AQAP, will help to improve the environment in Hawkhurst. Similarly, encouraging the use of sustainable transport will support carbon reduction in the Borough.

There are no negative impacts on biodiversity.

Karin Grey, Sustainability Manager, August 2022

F. Community Safety

No community safety issues have been identified.

Terry Hughes, Community Safety Manager, August 2022

G. Equalities

The declaration of the AQMA will address an existing inequality in that it will aim through the subsequent Air Quality Action Plan to improve air quality for those affected to a level where it is legally compliant and thus be the same as every other property in Hawkhurst.

Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups.

There is little or no apparent impact on the protected characteristics from the decisions recommended in this paper.

Ingrid Wetherup, Corporate Governance Officer, August 2022

H. Data Protection

There are no data protection issues with the development of the AQAP. No personal details are requested in the consultation, so all information received is expected to be anonymous, and not identifiable. Only anonymised data will be published or shared. All air quality monitoring data is publicly available.

Jane Clarke, Head of Policy and Governance, August 2022

I. Health and Safety

There are no Health and Safety implications in the proposed development of the AQAP

Mike Catling, Corporate Health and Safety Advisor, August 2022

J. Health and Wellbeing

The number of people directly affected by the AQMA is very small. Air quality improvements and associated health benefits will be achieved via the Air Quality Action Plan. The AQAP will also help to raise awareness of air quality issues, both in Hawkhurst and more generally.

Air quality management will have a positive effect on the health of residents through the steps put in place for the action plan. Air pollution has an impact on health as long term exposure can reduce life expectancy through various health conditions such as cardiovascular and respiratory diseases. Air pollution can impact on health inequalities including older people, children, people with existing health conditions and communities that live near busy roads.

Rebecca Bowers, Health Improvement Team Leader, August 2022