

# Draft Air Quality Action Plan for the Hawkhurst AQMA

For Cabinet on 23<sup>rd</sup> March 2023

## 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	22 <sup>nd</sup> February 2023
Portfolio Holder	
Communities CAB	8th March 2023
Cabinet	23rd March 2023

## Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That Cabinet approves that the draft Action Plan given as Appendix A, is formally adopted as the Air Quality Action Plan for the Hawkhurst AQMA.

# 1. Introduction and Background

- 1.1. A small Air Quality Management Area (AQMA) encompassing about 30 properties, was declared in Cranbrook Road 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 (AQAP) 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 18 months from the date of declaration.
- 1.3. Nitrogen dioxide (NO<sub>2</sub>) levels at the façade of these 30 properties in Cranbrook Road, were found to have exceeded the annual mean objective of 40µgm<sup>-3</sup> based on measurements from 2019. NO<sub>2</sub> 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, primarily as a result of improvements in the vehicle fleet.
- 1.4. The causes of the elevated NO<sub>2</sub> 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.

In developing the AQAP we have followed the relevant Technical Guidance and Policy Guidance from DEFRA (TG22 and PG22, and previously TG16 and PG16) and have set up a steering group of relevant stakeholders to develop a 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

- 1.5. The steering group met several times following the declaration of the AQMA, and developed a 'long list' of actions for possible inclusion in the AQAP, though it was recognised that some of these actions would not be included in the final action plan, as they were likely to be impractical on cost or other grounds.
- 1.6. In September 2022, Cabinet instructed the Environmental Protection Team to hold a public consultation on selected actions from the 'long list' which was developed by the steering group.
- 1.7. The consultation ran between the 29<sup>th</sup> September 2022 and 27<sup>th</sup> November 2022. The responses have been analysed in a separate report which has been incorporated into the final AQAP as an Appendix
- 1.8. Following the consultation, the list of actions has been finalised. The suggested action about removing parking from Cranbrook Road will not be included in the final list of actions. However, the action plan document contains a section which discusses potential actions which were considered but not included in the final list, and explains the reasons for their exclusion.

## **2. Next Steps**

- 2.1. The Action Plan document will now be sent to DEFRA for final approval.
- 2.2. Following final approval from DEFRA the AQAP will be published and made available on the Kent Air website.
- 2.3. The action plan will be reviewed after a period of not more than five years, although previous modelling has suggested that exceedances of the air quality objectives will not persist past 2024, so it may well be possible to revoke the Hawkhurst AQMA before an updated AQAP is required.
- 2.4. Progress on actions in the AQAP will be reported to DEFRA every year via TWBC's Annual Status Report (ASR) on air quality.

## **3. Options Considered**

- 3.1. The purpose of this report is to ask Cabinet to approve the proposed Air Quality Action Plan for Hawkhurst. Alternatively, Cabinet may wish to amend the AQAP.
- 3.2. Another option would be not to have 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 attached draft Air Quality Action Plan to be approved and adopted as the AQAP 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. Tunbridge Wells Borough Council undertook a consultation between 29<sup>th</sup> September and 27<sup>th</sup> November 2022. The consultation took the form of a survey which was carried out online. Those living in the affected area were notified directly by letter. Paper copies of the survey and alternative formats were also available on request. The survey was open to all Tunbridge Wells Borough residents aged 18 years and over as well as visitors to the borough. The Consultation asked respondents their opinions about the proposed actions for the Air Quality Management Plan. There was an opportunity throughout to provide additional comments.
- 5.2. A total of 62 responses to the consultation were received. Additionally KCC sent a letter of response to the consultation.
- 5.3. The action which most respondents thought would have a major impact was the re-direction of European HGVs, however, KCC has responded that this measure is highly unlikely to be implemented, not least because they are unable to distinguish between British and foreign HGVs.
- 5.4. The action which most respondents thought would have no impact was increasing the number of EV charging points.
- 5.5. A full summary of the consultation responses is included in the Air Quality Action Plan document at appendix C.

## Recommendation from Cabinet Advisory Board

The Communities and Economic Development Cabinet Advisory Board were consulted on 8<sup>th</sup> March 2023 and agreed the following:

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

## 6. Implementation

- 6.1. If the draft AQAP is approved, the steering group and other project partners will be notified, so that work on the various actions can be scheduled. The steering group will meet quarterly to review and be updated on the progress of actions for the life of the action plan.

- 6.2. Progress on actions will be reported to DEFRA every year as part of TWBC's Annual Status Report (ASR) on air quality
- 6.3. The Action Plan will be reviewed every five years as necessary.

## **7. Appendices and Background Documents**

Appendices:

Appendix A: Air Quality Action Plan for Hawkhurst

Background Papers:

## **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, February 2023

### **B. Finance and Other Resources**

There are no significant costs associated with the implementation of the AQAP. These can mostly be met within existing budgets and largely involve officer time. Should specific projects need additional funding we will bid for internal or external funding as appropriate.

Duncan Haynes, Environmental Health Team Leader, February 2022

### **C. Staffing**

Delivery 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. Whilst some projects may require more intensive commitment at specific times, no additional staff will be required.

Duncan Haynes, Environmental Health Team Leader, February 2023

### **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, February 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, February 2022

### **F. Community Safety**

No community safety issues have been identified.

Terry Hughes, Community Safety Manager, February 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.

Abigayle Sankey, Corporate Governance Officer, February 2023

## **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.

Abigayle Sankey, Corporate Governance Officer, February 2023

## **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, February 2023

## **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, February 2023