

### **Session R6– Air Quality**

#### **Inspector's Question R5.1**

Has Maidstone BC commented on the consultation or does it intend to do so?

#### **Council's response:**

R5.1.1 The lead Air Quality Officer from the Council's Environmental Health Team attended a workshop at DEFRA in early December 2016 where local authorities were invited to present their views on the Clean Air Zone consultation directly to members of DEFRA's air quality working group. There was also an opportunity for Local Authority representatives to discuss matters with the working group. The Council will be formally responding to the consultation as part of the Kent and Medway Air Quality Partnership.

#### **Inspector's Question R5.2**

How does MBC intend to respond to the Government letter?

#### **Council's response:**

R5.2.1 The Environmental Health Team has supplied information to assist in the drafting of a corporate response which is yet to be finalised. The letter from Dr Therese Coffey, MP sets out a process for seeking grant funding for air quality improvement measures, and to this end the Council has applied for DEFRA grant funding of £140,000 firstly for the purpose of retrofitting buses which operate in the High Street and secondly for a Low Emission Zone feasibility study in the High Street. It is hoped this study could be used as a pilot scheme for a larger area.

#### **Inspector's Question R5.3**

Should the possibility of designating a Clean Air Zone be referred to in the Local Plan whether as an alternative to, or in addition to, the Low Emission Strategy and alongside the references to investigation of the Leeds-Langley Bypass?

#### **Council's response:**

R5.3.1 The Council has recently set up a Low Emission Strategy Working Group comprising both officers and elected Councillors. The Group will be looking again at the scope and

content of the Strategy and will also be coordinating the update of the Air Quality Action Plan, which is due to be completed in this municipal year.

R5.3.2 The designation of a Clean Air Zone and/or a Low Emission Zone may be one of the measures that will be considered by the Working Group as they further develop the Maidstone Low Emission Strategy and Air Quality Action Plan, following on from the bid to DEFRA.

R5.3.3 As pointed out by the Minister, local authorities have powers to establish Clean Air Zones, and it is considered appropriate that reference should be made to this possibility being considered as part of the development of the Low Emission Strategy and Air Quality Action Plan review. Given that these issues are already discussed as part of the Air Quality DM5 reasoned justification, it is considered that the additional text is most appropriately located within this part of the Local Plan. Clearly, the adoption of these documents will inform the context in which consideration is given to the case for the Leeds Langley Relief Road.

R5.3.4 A revised Policy DM5 and supporting text is set out at Appendix 1.

#### **Inspector's Question R5.4**

Has MBC drafted a revised policy DM5?

#### **Council's response:**

R5.4.1 The Council has drafted a proposed revised Policy DM5 (Appendix 1). Discussions during Session 11 and the subsequent action points issued by the Inspector suggested taking a hierarchical approach in dealing with air quality through policy criteria, starting with smaller developments, and working up to those that would have the biggest impacts on exceedance areas. This is reflected in the revisions to the policy and supporting text.

#### **Inspector's Question R5.5**

Having regard to the above Planning Practice Guidance are the monitoring targets in relation to air quality adequate or should there be monitoring against a defined baseline or to the limits set out in the EU directive or national regulations?

#### **Council's Response:**

R5.5.1 The Sustainability Appraisal assesses the impact of the Local Plan on a range of objectives against the baseline situation established in Part 1 of the report. In respect of Objective 11: "To reduce road congestion and pollution levels and ensure air quality continues to improve" the report concludes that *"overall, the Local Plan should have a positive effect in terms of managing and mitigating congestion and air quality issues."*

R5.5.2 In respect of annual monitoring more generally, it is considered appropriate to include an additional indicator to reflect the ongoing AQMA monitoring results as part of the AMR, as

this will provide a summary of progress against the baseline at the beginning of the plan period, and provide the new "existing" baseline each year as the AMR is updated. This will also allow for direct comparison with national regulations or EU Directive limits.

R5.5.3 In respect of the development management process, the established approach in the assessment of air quality impacts is to assess the impact of development using the latest available AQMA monitoring results to model a future baseline and compare the situation with and without development to determine the impact and the level of mitigation required. This reflects national guidance and it is therefore considered appropriate to include an additional indicator to identify how successfully this approach is performing in respect of securing appropriate mitigation.

R.5.5.4 The Council is currently undertaking a comprehensive review of its Monitoring and Review Chapter to include revised indicators and appropriate triggers and actions. This information will be provided to the Inspector for discussion at Session 15a and will set these proposed updates out in full.

### **Inspector's Question R5.6**

How is the Air Quality Action Plan being monitored?

#### **Council's response:**

R5.6.1 The Environmental Health Team monitors the targets and measures set out in its Air Quality Action Plan annually. The latest progress on the AQAP was reported to DEFRA last year, and DEFRA requires all Local Authorities to provide an annual air quality report which includes progress on the Air Quality Action Plan.

### **Inspector's Question R5.(sic)**

Is there any evidence of a reduction in Nitrogen Dioxide levels in the AQMA or at the air exceedance locations in the 6 years since the Action Plan was adopted?

#### **Council's response:**

R5.6.2 Monitoring results show that NO<sub>2</sub> levels across the Borough were generally lower in 2015 than in the previous year. Owing to natural variations in NO<sub>2</sub> levels, it is not yet possible to conclude that this is part of a trend however. Such a trend would only be identifiable after significant year-on-year reductions which are not evident at this time. However, it is fairly clear that, generally speaking, NO<sub>2</sub> levels are not increasing, despite significant development in and around the town centre, and a large increase in the proportion of diesel cars on the roads, which are known to emit higher levels of NO<sub>2</sub> than petrol cars.

### **Inspector's Question R5.7**

Does the Air Quality Action Plan require updating and, if so, when will that be done?

**Council's response:**

R5.7.1 The Air Quality Action Plan is currently being updated and the Low Emissions Strategy Working Group is progressing this for completion in this municipal year. Recent work in the Environmental Protection team has suggested that a smaller AQMA might be appropriate when looking at current and up-to-date evidence. Updating the Action Plan is linked to consideration of the boundaries of the AQMA and also the further development of the Maidstone Low Emission Strategy.

**Inspector's Question R5.8**

Does the reasoned justification to Policy DM5 require amending to make clear how and where the scale of relevant development that may have air quality impacts and the associated need for mitigation will be defined?

**Council's response:**

R5.8.1 The revised policy and supporting text (Appendix 1) reflect the need to assess the potential significance of air quality impacts with regard to the scale, nature and/or location of development, and in accordance with national guidance. The revised policy now sets a clear hierarchical approach based on these factors to inform where the need for a AQIA will apply. It is clear however that judgement will be required to deliver this approach as the potential impact of development proposals can only reasonably be considered on a case by case basis.

**Inspector's Question R5.9**

Would the above ITS parking actions make any contribution to reducing congestion or the air quality impacts of transport in the foreseeable future?

**Council's response:**

R5.9.1 As set out in the ITS, only a portion of parking available in Maidstone is under direct Council control which, in reality, will limit the effectiveness of measures such as increasing parking charges. The ITS nonetheless commits to increasing long-stay charges for Council car parks by 2031 and this action is already being delivered. It is understood that the Council's Policy and Resources Committee (14 December 2016) will be recommended to increase long stay charges by 8.3% from April 2017, with further increases to be delivered in subsequent years. It is further understood that increased charges are also proposed for short stay spaces.

R5.9.2 In regards to maintaining the current level of parking space provision in the town centre, it is clear that the Council is applying some flexibility in this respect, given the

adverse impacts of potential over-provision identified in the ITS. A number of existing parking sites in the town centre are allocated for re-development in the Local Plan including H1 (12) Union Street, H1 (13) Medway Street, RMX1 (3) King Street and EMP1 (1) Mote Road and the Brunswick Street car park, on the immediate edge of the town centre, is being put forward for re-development by the Council's regeneration department.

R5.9.3 Whilst it is difficult to quantify the precise impacts of these specific measures on air quality and congestion, their effect will be to contribute towards dis-incentivising use of the private car for travel into Maidstone town centre, and encouraging increased take up of alternatives such as bus, rail, walking and cycling. These measures therefore form part of a wider strategy to promote modal shift from cars to more sustainable modes of transport and to tackle key points of congestion on the road network, thereby reducing the air quality impacts of transport.

### **Inspector's Question R5.10**

Does what the High Court describes as the urgent need for measures to address the current infraction of Nitrogen Dioxide pollution limits require more radical measures to encourage modal shift for journeys into Maidstone town centre so as to reduce the number of vehicles entering the town from both existing and proposed development?

### **Council's response:**

R5.10.1 The Local Plan, ITS and IDP together provide a comprehensive package of measures to encourage modal shift and reduce congestion in the town centre and wider urban area. The Local Plan's spatial strategy seeks to focus growth in the most sustainable locations within the borough, in order to maximise the opportunities for journeys to be made by bus, rail, walking and cycling. Indeed, the Local Plan Sustainability Appraisal concludes at paragraph 18.12.6 that *"Overall, the Local Plan should have a positive effective in terms of managing and mitigating congestion and air quality issues."*

R5.10.2 To further support these objectives, for each of the growth areas identified, substantial improvements to sustainable transport infrastructure will be delivered. This will result in more frequent and reliable bus services on key routes into the town centre, improved facilities at the bus station and a number of rail stations, and a series of new and improved cycle and pedestrian links. These sustainable transport measures will help to promote modal shift and therefore, taken together with highway measures such as junction improvements, will help to reduce congestion and support air quality objectives.

R5.10.3 The Council acknowledges that the High Court has recognised the urgent need to address the current infraction of nitrogen dioxide pollution levels and has already expressed its concern at the Local Plan Examination at the refusal by Kent County Council to implement measures which would support air quality objectives. It can see no justified evidence-based reason for Kent County Council delaying implementing these measures any longer. It is

further understood that many of these measures are summarised in a high-level manner in the emerging Local Transport Plan, and are reflective of wider objectives in that document.

R5.10.4 Alongside the Local Plan however, the Council is developing a Low Emission Strategy and will be updating its Air Quality Action Plan in this municipal year. Crucially, these documents provide opportunities to address existing air quality issues in the town centre and across the AQMA, in addition to supporting the delivery of measures to facilitate modal shift identified in the Local Plan, ITS and IDP.

R5.10.5 These documents, when adopted by the Council, will in turn affect the determination of planning applications, and the development of future Local Plans, to ensure that decisions take account of, and do not adversely affect, up-to-date air quality strategies and action plans.

R.5.10.6 Further, through the application of the revised Policy DM5, the air quality impacts of new development will be assessed in a robust manner and will ensure that these impacts are effectively addressed and, where necessary, mitigated through the development management process.

### **Inspector's Questions R5.11 and R5.12**

In particular, given the concentration of development close to a high frequency bus route in South East Maidstone, should the current Local Plan's bus lane proposal be reinstated along Sutton Road as a firm plan policy in order to encourage modal shift to a more reliable and (low emission) bus service to the town centre and to Maidstone East railway station?

Would the potential benefits from modal shift for improved air quality and reduced congestion outweigh the loss of part or all of the grass verge in Sutton Road?

### **Council's response:**

R5.11.1 As part of the permissions granted for sites H1 (5) and H1 (6) in 2014, some £2.7m was secured through section 106 planning obligations towards the delivery of bus prioritisation measures, including the widening of part of the A274 Sutton Road between the junctions of Willington Street and Wallis Avenue. The Heads of Terms agreed by the Council's Planning Committee for sites H1 (7) and H1 (10) in July 2016 will provide a further £1.4m towards the delivery of "bus prioritisation measures on the A274 Sutton Road". The total monies secured for bus priority measures are reflective of the cost estimates provided in the Mott McDonald A274 Corridor Study April 2016 (TRA 028), which demonstrates that bus priority measures can be achieved on the A274 without any significant adverse impact on motorists.

R5.11.2 TRA 028 further demonstrates that any loss of grass verge is very much localised as the additional capacity required can generally be accommodated by reallocating existing road

space but maintaining the running lane for general traffic. The adopted Air Quality Action Plan 2010 further identifies the scheme as part of Measure M6.

R5.11.3 Bus prioritisation measures are a key objective of the Local Plan, as set out at Policy DM24 Sustainable Transport and at policies H1 (5), H1 (6), H1 (7), H1 (8), H1 (9), H1 (10), H1 (27) and H1 (28). This reflects the Council's support to the role of bus priority in promoting modal shift, and the consequential benefits for congestion and air quality. To further support these objectives, the Council has secured the provision of enhanced walking and cycling infrastructure and improved bus frequencies on radial routes as part of the wider package of measures.

R5.11.4 The Regulation 18 Draft Local Plan (March 2014) included specific reference at DM14 Public Transport to "dedicated bus lanes" and at the South East Maidstone site allocation policies to "an additional inbound lane for vehicular traffic with bus priority measures". These references do not however feature in the submission Local Plan as members have rejected the bus lane scheme.

### **Inspector's Question R5.13**

As Countryside Properties have given evidence that they would only be able to implement allocation H1 (10) Land South of Sutton Road at a rate that would deliver about 650 out of 800 dwellings within the plan period, should that 800 allocation be reduced by 100-200 dwellings in order to accommodate a park and ride site within the H1 (10) allocation that would also make use of the above bus lane?

### **Council's response:**

R5.13.1 The Council's housing trajectory sets out that the full 800 units will be delivered within the Local Plan period, commencing in 2018/19 with 30 dwellings completed that year, with a subsequent build out rate of 85 dwellings per year. This is based on the information provided by DHA Planning to the Council's annual housing monitoring exercise. Since that time, the site has obtained a resolution to grant planning permission subject to completion of a s106 planning obligation, which is expected to be finalised shortly. The outline application subject to this resolution made no provision for a park and ride facility and it is considered that the open space secured through the development is critical to prevent a "hard edge" on this approach to Maidstone.

R5.13.2 The potential for a new park and ride site on Sutton Road has been appraised through the development of the Local Plan. Testing of various transport and park and ride strategies has confirmed that the provision of a "north/south park and ride spine" comprising sites at M20 Junction 7 and Linton Crossroads performs the strongest and this was the strategy pursued in the Regulation 18 Draft Local Plan (March 2014). Demand analysis indicated that a site at Linton Crossroads would be best placed to intercept traffic from the south of the Borough travelling into Maidstone, and that a site at Sutton Road would have

more limited demand from outside of its immediate vicinity. This is principally due to its location, as traffic from the A229 would need to travel a considerable distance away from the A229 in order to join the A274 and access the park and ride site. The opportunities for reducing this distance are severely limited as Brishing Lane (which links the B2163 with the southern boundary of H1 (5)) is a single track lane, unsuited to serving as an access road.

R5.13.3 Given the above, it is not considered that site H1 (10) should be reduced to 650 dwellings to accommodate a new park and ride site.

#### **Inspector's Question R5.14**

Should the Local Plan commit to identifying additional park and ride locations to the north and south of the town as proposed in earlier drafts?

#### **Council's response:**

R5.14.1 As set out in the Council's responses to the Transport Session, the site at M20 Junction 7 is no longer available for park and ride use, and it was considered, on balance, that the landscape impacts of a site at Linton Crossroads outweighed the transport benefits of the facility.

R5.14.2 The Local Plan at paragraph 17.134 affirms the Council's commitment to retain the existing park and ride sites at Willington Street and London Road. Acknowledging however the positive role that park and ride facilities can play in promoting modal shift, reducing congestion and improving air quality, it is considered that the paragraph should include following additional text:

*"The Council will continue to review and improve the functionality and effectiveness of Park and Ride services in Maidstone, including through the investigation of whether additional sites may be available and deliverable to contribute towards wider objectives for sustainable transport and air quality."*

#### **Inspector's Question R5.15**

Should the creation of additional park and ride spaces be matched by a reduction in long stay car parking in the town centre, notwithstanding the ITS commitment to maintain the present number?

#### **Council's response:**

R5.15.1 As set out in the response to question 5.9, the Council controls only a portion of town centre parking which, in reality, limits the effectiveness of such measures. Notwithstanding the ITS commitment however, a series of town centre car parks are in fact proposed for housing development in the Local Plan which will reduce supply to an extent, whilst the



increase in charges, as part of the wider package of measures to promote modal shift, should reduce demand for parking and encourage greater take up of sustainable transport options.

R5.15.2 Existing car parks provide opportunities for brownfield re-development and, as set out in previous submissions, brownfield sites assessed as suitable through the Council's SHEDLAA process have already been included in the Local Plan.

R5.15.3 Policy DM24 (2) (iv) states that the Council will "manage parking provision in the town centre" but the Local Plan recognises that the ITS and the Town Centre Parking Strategy will be the mechanisms to deliver measures to "address parking issues". Work on the new Parking Strategy is due to commence in 2017.

## Appendix 1 – Revised Policy DM5 and supporting text

### Policy DM5 Air Quality

17.35 Pollution due to dust and poor air quality, resulting from either existing sites or proposed developments, has the potential to adversely affect human health and the environment in Maidstone Borough. It is therefore essential that these issues are adequately assessed through the development management process.

17.36 The National Planning Policy Framework requires planning policies to sustain compliance with EU limit values or national objectives for pollutants and the cumulative impacts on air quality from individual sites in local areas. The council has a responsibility to work towards achieving these targets and does this through the Local Air Quality Management (LAQM) regime. Through this function the council has identified 6 areas currently exceeding EU guideline values (exceedance areas) and has an Air Quality Action Plan (AQAP) in place in order to identify measures aimed at reducing air pollution at these locations.

17.37 The hotspots are located at key transport junctions but the AQAP covers the wider Maidstone Urban Area designated by the Air Quality Management Area (AQMA) in recognition of the nature of road networks and traffic movements. This action plan contributes to the delivery of the national air quality strategy.

17.38 The air quality action plan identifies key partners and their responsibility for delivering measures to improve air quality in the exceedance areas. The primary focus is placed on achieving modal shift to walking, cycling and public transport and low emission transport. The council's Integrated Transport Strategy is designed to address this objective. This policy will support the ITS and AQAP by:

- Promoting infrastructure that encourages the use of modes of transport with low impact on air quality;
- Locating development close to transport infrastructure and community services and facilities to minimise trip generation;
- Installing charging points to facilitate expected increases in electric vehicle ownership;
- Requiring developers to mitigate more effectively against emissions from new developments through soft measures such as landscaping and tree planting; and
- Requiring developers to contribute to funding measures, including those identified in the air quality action plans and low emissions strategies, designed to offset the impact on air quality arising from new development

17.39 The significance of any air quality impact arising from development can be affected by a number of factors, including the scale, nature and location of development. For instance, a large housing development located outside of the AQMA may still have significant negative impacts on air quality within the AQMA, whereas a small scale residential extension within the AQMA may not have any perceptible impact on air quality. Similarly, a single additional dwelling may have a negative impact on an exceedance area whilst major development located elsewhere in the borough may not impact the AQMA itself, but may generate significant negative impacts in other locations. The council will review the potential

significance of the air quality impacts from new proposals taking account of these factors and in line with national guidance.

17.40 Where an Air Quality Impact Assessment (AQIA) is required, development proposals will be required to assess the existing air quality in the study areas, to predict the future air quality without the development in place and to predict the future air quality with the development, and mitigation, in place. As part of this process, the assessment should consider the potential cumulative impacts of development. Evaluation of air quality impacts will take into account factors such as the number of people affected, the absolute levels and the predicted magnitude of the changes in pollutant concentrations, the scale and kind of the proposed mitigation. The evaluation will AQIA should also take into account how the impacts from the development relate to the principles and measures contained within the council's Air Quality Action Plan and other relevant strategic guidance documents. Where the need for mitigation measures is identified through an AQIA, the delivery of these measures will be secured through planning condition or through s106 planning obligations. The Council will monitor the need for, and if necessary prepare, additional local planning guidance to support the delivery of this policy.

17.41 It is recognised that planning can play an important role in improving air quality and reducing individuals' exposure to air pollutants. Whilst planning cannot solve ~~immediate~~ existing air quality issues, it can ensure that ~~has a role to play so~~ any likely scheme impacts are reasonably effectively mitigated.

17.42 It is ~~also~~ important to ensure however that these existing air quality issues, and the cumulative impacts of developments, are responded to in a proactive and effective fair and proportionate way. In order to achieve this, the Council is in the process of updating the AQMA Action Plan and is currently preparing a Low Emission Strategy. These documents provide a timely opportunity to address these long-standing issues, and the council will consider a wide range of options and measures, including further support for sustainable transport measures and the possibility of establishing Low Emission/Clean Air Zones, as part of this process.

## **Policy DM5 Air Quality**

~~Proposals that have an impact on air quality that meet the following criteria will be permitted:~~

- ~~1. Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance;~~
- ~~2. Proposals within or adjacent to Air Quality Management Areas that are likely to have a negative impact on air quality should identify sources of emissions to air from the development and an Emissions Statement identifying how these emissions will be minimised and mitigated against must be provided; and~~
- ~~3. Proposals in or affecting Air Quality Management Areas or of a sufficient scale to impact local communities should, where necessary, incorporate mitigation measures which are locationally specific and proportionate to the likely impact.~~

Proposals that have an impact on air quality will be permitted, subject to the following criteria being met:

1. Proposals for development which have the potential, by virtue of their scale, nature and/or location, to have a negative impact on air quality at identified exceedance areas, as defined through the Local Air Quality Management process, will be required to submit an Air Quality Impact Assessment (AQIA) to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels;
2. Proposals for development which have the potential, by virtue of their scale, nature and/or location, to have a significant negative impact on air quality within identified Air Quality Management Areas will be required to submit an AQIA to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels, even where there will be no negative impact at identified exceedance areas;
3. Other development proposals, where criteria 1 and 2 do not apply, but which by virtue of their scale, nature and/or location have the potential to generate a negative impact on air quality within identified Air Quality Management Areas will not be required to submit an AQIA, but should demonstrate how the air quality impacts of the development will be minimised.
4. Development proposals which have the potential, by virtue of their scale, nature and/or location, to have a significant negative impact on air quality outside of identified Air Quality Management Areas will submit an AQIA to consider the potential impacts of pollution from individual and cumulative development, and to demonstrate how the air quality impacts of the development will be mitigated to acceptable levels.