

## **Parish Partnership Panel**

**1 March 2012**

### **AIR QUALITY IN TONBRIDGE & MALLING**

#### **QUESTIONS**

1. *What is the current position on Air Quality in the Borough, and in view of increasing traffic will that position be reviewed?*
2. *Is there any likelihood of areas exceeding limits and becoming AQMA's*
3. *Under the Localism Bill, fines for non-compliance with AQ limits devolve on the Local Authority. What financial impact will this have on T&M, and will there be a need to revisit the LDF where new development may push Air Quality above the prescribed limits.*

#### **Background**

The Environment Act 1995 placed a responsibility on UK Government to prepare an Air Quality Strategy (AQS) for England, Scotland, Wales and Northern Ireland. The most recent version of the strategy (2007) sets out the current UK framework for air quality management and includes a number of air quality objectives for specific pollutants.

The 1995 Act also places a statutory duty on Local Authorities, which falls into two distinct parts:

1. review and assess air quality within the local authority area ; and
2. develop and implement action plans to tackle local air pollution, when AQMA's are declared.

When carrying out the review and assessment of air quality it is only necessary to focus on areas where the public are likely to be regularly present and are likely to be exposed.

The timetables and methodologies for carrying out Review and Assessment studies are prescribed in Department of the Environment Food and Agriculture's (DEFRA) Technical Guidance- LAQM.TG (09). The reports produced as a result of this process are reported to DEFRA for verification. The reporting framework is intensive, resulting in the production of at least one report a year.

All our Air Quality reports are available on our website:

<http://www.tmbc.gov.uk/cgi-bin/buildpage.pl?mysql=356>

This is a particularly burdensome and costly regime for Councils, with the added frustration that vehicle traffic is the principal source of high nitrogen dioxide levels. Quite simply Boroughs/ Districts do not have any direct remit or more importantly power to directly address traffic related sources of diminished or unacceptable air quality ; Therefore, it is extremely difficult to achieve tangible improvements in air quality.

The demanding nature of the air quality regime prescribed by DERFA and the constraints on councils in relation to air quality was given full consideration at the Scrutiny and Overview Committee on 12 January 2012. The recommendations from this meeting are attached (**Annex1**).

## **1. The current situation regarding air quality in Tonbridge & Malling**

Air Quality in Tonbridge & Malling is typical of a borough with a mixed urban and rural environment. There are six Air Quality Management Areas that have been declared:

- M20 - between New Hythe Lane and Hall Road
- A20 Ditton – at the Station Road/New Road junction
- Tonbridge High Street – south end
- Wateringbury crossroads –A26/B2015 junction
- A20 Aylesford – South Aylesford Retail Park junction
- A20 Larkfield – New Hythe Lane junction

All were declared due to exceedances of nitrogen dioxide related to road traffic. The M20 AQMA was also declared for particulates.

## **2. Due to increasing traffic will that position be reviewed?**

Every three years we are required to prepare a detailed review of air quality in the borough, called an “Updating and Screening Assessment”. This review takes data from our monitoring locations and reviews changes to roads and traffic flows. Where significant changes have occurred we will introduce additional monitoring to measure the extent of any exceedances of air quality standards and the position reviewed as appropriate and in accordance with DEFRA timetables.

## **Is there any likelihood of areas exceeding limits and becoming Air quality management areas?**

Where the results of a three yearly Updating and Screening Assessment demonstrate exceedances of the air quality objectives, we are required to carry out further monitoring of the area for a minimum period of six months. At the end of this period we commission consultants to undertake a Detailed Assessment of the area, if this confirms exceedances continue we must declare an AQMA. We have just

received the draft Detailed Assessment for Borough Green, which recommends the declaration of an AQMA. This will be submitted to DEFRA for verification.

**3. Under the Localism Act 2011 fines for non-compliance with AQ limits could be devolved by the SoS to LAs. What financial impact will this have on TMBC?**

At this stage the impact of transferring EU fines to councils for failing to meet air quality standards cannot be predicted. However it is interesting to note the following comments in a report of the Parliamentary Environmental Audit Committee, published on 14 November 2011:

*“A blanket approach of transferring EU fines to those local authorities failing to meet air quality targets would be unfair. The causes of poor air quality are often beyond an individual authority’s control. Any fines must take account of contributing sources of pollution from beyond a local authority’s boundary and policy areas beyond its control. Fines should also take account of a local authority’s failure to act in improving air quality. Transferring EU fines to local authorities might help to deliver air quality improvements but, if it pursues this, the Government must establish a mechanism where it only passes on a share of fines proportionate to a local authority’s ability to influence local air quality. ”*

We concur with the above statement and will be making this very point in our response to the Government’s consultation on the Localism Act.

**Is there a need to revisit the LDF, where new development may push air quality above the prescribed limits?**

There is no direct mechanism that would require or automatically lead to a review of the adopted LDF, as the result of a change in the air quality control regime. However, it is a factor that will be taken into account as and when a new Local Plan for the Borough is prepared. Of more immediate importance is the fact that planning applications are assessed against existing policies CP1 of the Tonbridge and Malling LDF Core Strategy and SQ4 of Tonbridge and Malling Managing Development and the Environment Development Plan Document, which deal with matters of Air Quality. Where there is potential for a development to either effect or be effected by an actual or potential AQMA, the planning process will require AQ to be critically assessed as part of the overall planning decision making process. The existence of these policies in the Council’s current suite of Plans means that AQ will always be a consideration in appropriate cases.