

SWALE JOINT TRANSPORTATION BOARD 10TH DECEMBER 2012

Subject: **Developer Contribution Funding towards Air Quality Management**

Director/Head of Service: Director of Transportation – Kent County Council

Decision Issues: These matters are within the authority of the Kent County Council and Swale Borough Council

Decision: For information

Ward/KCC Division: **All**

Summary: This report outlines the arrangements that have been made by Kent County Council and Swale Borough Council to use development contributions to mitigate against the effects of new developments on Air Quality Management Areas.

For Information: **This report is for Members' Information**

Classification: THIS REPORT IS OPEN TO THE PUBLIC

1.0 Introduction and Background

1.1 Section 106 of the Town and Country Planning Act 1990 gives Local Authorities the power to enter into a legal agreement with a developer either to provide measures to mitigate against the effects of the development, or to provide funding for the county or district council to undertake these measures. Typically a large development might prompt a s106 agreement for a contribution to education, the construction of various highway improvements or the provision of a bus service to serve the estate.

2.0 Air Quality Management Areas

2.1 There are two Air quality management areas (AQMAs) in Swale: in Newington, on the A2 to the west of Sittingbourne and at Ospringe, on the A2 to the west of Faversham. The AQMA designation does not prohibit development, but greater consideration is given to air quality impacts. The overall benefit of the development has to be balanced with the increased exposure to poor air quality or the potential worsening of the air quality.

2.1 Since the declarations of AQMAs in Newington (2009) and Ospringe (2011) there have been no significant planning applications in those two areas. If planning applications were to come forward there are a number of measures that could be considered as planning conditions:

- Car free developments that do not add to the air quality problems, but still expose residents to poorer air quality;
- Green walls, paints and other technical building materials that absorb emissions;

- Further monitoring and testing of emissions

2.2 Other planning applications within the Swale area may still have a negative effect on the two AQMAs and it is possible to negotiate planning conditions to help mitigate against this, either directly, or as part of a wider aim to reduce reliance on the car and make developments more accessible to all modes of transport. Recent examples of this are:

Development	Year	Contribution	Description
Sainsbury Bysing Wood Road, Faversham	2010	£250,000	Improvements to the bus service between town centre and west Faversham
		£30,000	Bus stop contribution
		£5,000	Travel plan monitoring
Great East Hall development, Sittingbourne	2004	£400,000	Bus service subsidy to estate and new or improved cycle links to estate
Fulstone Manor, Sittingbourne	2004	£200,000	£40,000 for 5 years for bus subsidy
The Meads, Sittingbourne	1998	£25,000	£25,000 for promotion of a bus service

2.3 It can be seen that contributions secured through s106 towards sustainable transport are increasing relative to the size of the development and each of these measures also provides a mitigating benefit against worsening air quality.

2.4 However, to date no contributions towards direct measures have been secured. The Tesco application in Sittingbourne town centre will contribute £10,000 towards monitoring of air quality, but there is potential for future developments to fund green walls, pollution absorbing materials, and other innovative ways of reducing the impact of emissions in AQMAs.

3.0 Conclusion

3.1 Developers are required to make their developments sustainable through the provision of sustainable transport, to promote accessibility and reduce congestion, which helps to reduce the worsening of air quality. There is further scope within the planning process to consider additional direct measures where developments can be shown to be increasing traffic through an Air Quality Management Area.

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