

Environment Committee	
Meeting Date	29 th June 2023
Report Title	Air Quality Action Plan (2023 to 2028) with outcome of public consultation
EMT Lead	Lisa Fillery, Director of Resource
Head of Service	Tracey Beattie, Mid Kent Environmental Health Manager
Lead Officer	Clare Lydon, Senior Scientific officer
Classification	Open
Recommendations	1. That the Environment Committee approves the draft Action Plan in Appendix 1, to enable the plan to be submitted to Defra as Swale's Air Quality Action Plan (2023 – 2028)

1 Purpose of Report and Executive Summary

- 1.1. The Swale Borough Council Air Quality Action Plan (AQAP) concluded December 2022, and we are required to propose a new plan for the next five years (2023 to 2028). We have assessed the current measures and considered new measures in the update. These were presented to Committee on the 3rd November and approved for public consultation.
- 1.2. The updated action plan has been produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the actions that Swale Borough Council will deliver between 2023 and 2027 to reduce concentrations of air pollutants and the receptor exposure to air pollution; thereby positively impacting on the health and quality of life of residents and visitors to the Swale area. As a working document it will be revised throughout the five-year period to ensure it remains relevant.
- 1.3. On the 4th November 2022 committee authorise the Head of Service to undertake a public consultation on mitigation actions for the draft Air Quality Action Plan 2023 to 2028 as proposed and prepared by the Air Quality Steering group.
- 1.4. The public consultation ran between the 4 November to 15 January 2023. The responses have been analysed in a separate report which has been incorporated into the final Air Quality Action Plan as Appendix A. Following the consultation, the list of actions has been finalised and included in the Air Quality Action Plan 2023 – 2028 document.

2. Background

- 2.1. Swale Borough Council has a statutory duty under Part IV, Section 83 (1) of the Environment Act 1995, to review and assess air quality and take the necessary actions to improve areas of poor air quality. If the UK government Air Quality Objectives (AQO) for key pollutants are exceeded, an Air Quality Management Area (AQMA) must be declared. To date Swale Borough Council has declared six AQMA's for exceedances of the annual average AQO for nitrogen dioxide (NO₂) and one AQMA (St Paul's Street) recently amended to include particulate matter (PM₁₀).

- 2.2. The current Air Quality Action Plan has five locations which exceed the annual Air Quality Standard (AQS) for nitrogen dioxide (NO₂) and declared as an AQMA. In 2020, an additional sixth AQMA was declared at Keycol Hill (AQMA 7) and will be included in the new Action Plan. The Action Plan will also include a separate section to cover the additional and amended declaration for PM₁₀ exceedances at St Paul's Street (AQMA 4).
- 2.3. Apart from the exceedance for PM₁₀ at St Paul's Street and Keycol Hill for NO₂ the general trend over the last four years is one of improving air quality in the AQMAs. Over the last three years there have been no exceedances of NO₂ of the 40µgm⁻³ in any other monitored AQMA's nor the extensive network of passive diffusion tubes across the Borough.
- 2.4. Section 3.5 of the Air Quality Action Plan document identifies reductions in road NO_x to achieve the government's current air quality objectives and annual data on pollution levels in the AQMAs. Table 7 in the document demonstrates that we must achieve reductions on road NO_x of between 10% and 45% to achieve the government's current air quality objectives. Also evident is that NO₂ levels have decreased since 2019, partly because of pandemic restrictions reducing car usage and also as part of a long-term trend of decreasing levels which has been seen both locally and nationally, primarily because of improvements in the vehicle fleet.
- 2.5. **Evidence based information:** The Air Quality Action Plan document includes data from three separate studies commissioned by the Council for its evidence.

The most recent source apportionment study, completed in 2021 focused on the concerning trends in PM₁₀ being recorded for St Paul's Street (AQMA 4) and looked specifically at sources of pollutants (NO₂, PM₁₀ and PM_{2.5}). The 2021 source apportionment study identified that diesel cars and light good vehicles (LGVs) contributed the highest percentage of emissions (section 3.3.1). The conclusion was supported by the findings of an older source apportionment study completed in 2018 for all AQMAs commissioned for the Air Quality Action Plan 2018 -2022 (section 3.3.2). The 2021 study also identified the fleet mix in Swale in 2021 was an older fleet when compared to the National fleet statistics.

The older study mentioned above which took place in 2018 study showed the traffic data taken from across all AQMA locations (excluding Keycol Hill) on average that 82% vehicle movements were cars, with 15% being LGV and 3% combined OGVs. This is comparable to the St Paul's study which showed cars (63%) and LGV (18%) were also responsible for the greatest contribution of PM₁₀ concentrations. This was similar a picture across all pollutants which should mean that any interventions will benefit all pollutants.

Both source apportionment studies recommended mitigation measures. The 2021 St Paul's Street study recommended incentives for electric vehicle charging/ ownership, a distribution hub, and traffic management measures. The 2018 study suggested strategic and localised measures to deliver compliance for all AQMAs by 2022 (excluding Keycol Hill). This earlier study also suggested options of a Clean Air Zone (CAZ) and localised measures such as 20mph zones, car clubs, local business and travel plans.

A third study specifically considered the feasibility of introducing a CAZ, completed in 2020 (section 3.3.3). The report recommended a non-charging CAZ; however, this was not supported by the highway's authority. Some non-charging CAZ measures have been included in this draft Air Quality Action Plan.

- 2.6. In developing the Air Quality Action Plan, 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 is composed of Swale and KCC officers from key service areas that can influence and impact air quality improvements. The steering group include representatives from:

SBC Environmental Health
SBC Development Management Team
SBC Economic Development Team
SBC Planning Policy
SBC Climate Action Officer
SBC Director of Resources
KCC (Highways, Public Health, Planning and Public Right of Way).

The steering group assessed the Air Quality Action Plan measure options, including a review of the 2018 – 2022 AQAP measures and suggestions from the studies mentioned above (paragraph 2.5). The group reviewed the viability of measures relative to delivery, cost and air quality outcomes and further prioritised (using cost benefit analysis) measures relative to the cost effectiveness of air quality and non- air quality benefits. As previously mentioned, some of these measures overlap with measures recommended as part of the CAZ feasibility study workshops with members in July 2020. Furthermore, the steering group agreed provisional timescales for the implementation of the proposed measures and monitoring standards.

- 2.7. Going forward the steering group will meet quarterly throughout the lifetime of the action plan. Task and finish sub-groups, responsible for implementing and delivering specific measures, will meet more regularly and report back to the steering group.
- 2.8. Key themes are included in the draft Air Quality Action Plan (section 3.6) which have been identified. The themes have been integrated into the actionable measures which aim to deliver compliance with Air Quality Objectives (AQO) within the AQMAs and improve air quality within the district as whole. The themes are not numbered relative to their importance (addition information is provided below in appendix 2 of this document:

Theme 1: Public Health and Wellbeing

Theme 2: Active Travel, Public Transport and Low Emission Vehicles

Theme 3: Transport, Transport Planning and Traffic Management

Theme 4: Local Planning Policy and Development Management

- 2.9. There are thirteen measures that have been taken forward for the Air Quality Action Plan update listed in table 9 within the Air Quality Action Plan document. The consultation feedback relative to these have been summarised in section 5.2.1 and the full consultation feedback is provided in Appendix A of the Air Quality Action Plan document. Further information on the consultation is below in section 6 of this committee report.

2.10. Defra's Policy and Technical Guidance 2022 for Local Air Quality Management

The draft Air Quality Action Plan document (section 3.2.4) explains key updates in the Policy Guidance relative to this action plan, providing clearer requirements for both district and county level councils to work together to ensure air quality is improved, as shown below:

- In paragraph 3.2, chapter 3 - ***“There are obligations on both district and county councils within Part IV of the Environment Act 1995. The Environment Act 2021 ensures that responsibility for solutions to poor air quality is shared across local government”*** ;
- Paragraph 3.8 chapter 3 states ***“The County Council will be required to commit to appropriate actions the county council will take to secure that air quality objectives are achieved”***;
- Paragraph 3.14, chapter 3 states ***“the legislation requires county councils to bring forward measures in relation to addressing the transport impacts for inclusion in any AQAP”***.

Effective partnership working with Kent County Council is essential for this Action Plan's success not only in the Public Health context but also for highway and active travel measures. There remains some uncertainty over the level of commitment, both financial and staffing for some projects by KCC. Swale Borough Council is committed in continuing to liaise with our county partner to improve and bridge the gap in responsibility for solutions to poor air quality, as this should be shared across local government.

2.11. Public Health Context

The draft Air Quality Action Plan document (section 3.2) explains the associated health impacts from air pollution and the Councils commitment to work closely with Kent County Council (KCC) Public Health team on identifying pollution/ deprivation/ vulnerability hotspots. This will help target communications and focus for the most effective actions in terms of improving public health.

KCC Public Health provided recommendations as part of the public consultation, shown in the draft action plan document (Appendix A) they propose further work on the impact of air quality on demographic populations and communications to these groups. This type of work has already started between KCC Public Health and SBC officers.

This is also supported by two Defra funded projects which target communications to raise awareness about air pollution impacts and promote ways to reduce exposure to air pollution:

- DEFRA funded Health Care Professionals Air Quality Resource. The project is to develop a digital training resource for Health Care Practitioners (HCPs) across Kent and Medway providing training, local evidence and resources to enable practitioners to advise patients with cardiovascular disease or respiratory disease on how to reduce their exposure to air pollution. The aim is for HCPs to integrate information on air pollution into routine practice and create a community across Kent and Medway to support continuous professional development and future collaboration.

- Digital education package called 'Pollution Patrol'. Pollution Patrol is an interactive learning resource, developed for primary schools to raise awareness of the causes and harmful effects of air pollution through fun, engaging and practical strategies that promote less polluting travel behaviour, and empower children to act as advocates for reducing air pollution.

3. Next steps

- 3.1. The Action Plan document will be sent to DEFRA for final approval.
- 3.2. Following final approval from DEFRA the Air Quality Action Plan will be published and made available on the Kent Air and SBC website.
- 3.3. The action plan will be a live document and progress on actions will be reported to DEFRA every year via SBC's Annual Status Report (ASR) on air quality.
- 3.4. The action plan will be reviewed and fully updated after a period of not more than five years.

4. Proposals

- 4.1. That Committee approves that the draft Action Plan given as Appendix 1, is formally adopted as Swale's Air Quality Action Plan (2023 – 2028)

5. Alternative Options Considered and Rejected

The alternative is to do nothing or not update the Air Quality Action Plan. However, Swale Borough Council has a statutory duty to review and assess air quality within its borough and take the necessary actions to improve areas of poor air quality. In other words, the Council will fail to comply with its statutory duties on Local Air Quality Management if an update is not completed.

In October 2020 Keycol Hill AQMA was declared. In line Defra (TG22) guidance the Council must have an action plan in place within eighteen months of the declaration. Therefore, it is essential this action plan is approved, as non-determination could cause delays and could trigger potential action from Defra for not having an action plan in place for Keycol Hill AQMA.

6. Consultation Undertaken or Proposed

- 6.1. Swale Borough Council undertook a consultation between 3 November 2022 and 15 January 2023. The survey was carried out online with paper copies of the survey available on request. The survey was open to all Swale Borough residents aged 18 years and over as well as visitors to the borough. SBC provided the following stakeholder engagement:
 - Letters distributed directly to households within and near the Air Quality Management Areas.
 - Social media and the Swale Borough Council's website
 - Swale news Business e-Bulletin and mailing lists to businesses and statutory consultees
 - Flyers put up in libraries and post offices

- 6.2.** The Consultation asked respondents their opinions about the proposed actions for the Air Quality Action Plan. There was an opportunity throughout the survey to provide additional comments. There was a total of 148 responses to the survey.

Two stakeholders sent in detailed responses on their organisation's views of the proposals. There were also some additional comments sent in by a resident, these had been included in the additional comments sections. A full summary of the consultation responses is included in Appendix A within the Air Quality Action Plan document.

- 6.3.** Measure 7 and 12 related to EV infrastructure and Measure 2 Local Cycling and Walking Infrastructure Plan (LCWIP) was considered the most achievable. It was also felt to have the potential impact with 37% to 41% responding major or moderate impact.
- 6.4.** Measure 3 - Air pollution alerts, information and to raise awareness on impacts and solutions. As part of the public consultation the Air pollution alerts measure was considered the highly achievable and with 36% responding major or moderate impact. The measure to Promote and encourage active travel and change of transport modes was considered less achievable on its own and has since been integrated into the air pollution alerts measure.
- 6.5.** Measure 10 - Car clubs and EV bike hire schemes on development and public spaces measure was considered the least achievable and had a lot of respondents not sure on its achievability. Interestingly the proportion responding to achievable decreases as age increases. Therefore, this could suggest car clubs are more popular among the younger generation. It also had the least potential for impact with 52% responding slight impact or no impact. Contrary to this, we have seen a successful and high uptake of users for the Faversham car club, so there is some evidence it is achievable. However, uptake and impact may differ relative to location and other demographics.
- 6.6.** Since the consultation, Measure 4 and 5 have been added to the list of AQAP measures:

Measure 5 is to reduce emissions from activities with Environmental Permits - This measure has been added in line with recommendations outlined in the LAQM Toolkit from the updated TG22 (Annex A, Table A.1), as it shows emission reduction from permitting can be considered in the Air Quality Action Plan.

The Council complete permit inspections for installation and can provide data relative to emission reductions via Defra returns. Where an installation is located close to sensitive receptors, such as housing or an Air Quality Management Areas, a higher risk score can be applied at the risk assessment stage, resulting in more stringent enforcement and more regular inspections, thus improving air quality.

Measure 4 is to apply for Defra Air Quality Grant scheme to facilitate future funding for suitable Air Quality Action Plan measures. The steering group felt it was essential that this measure is included to ensure it continues to be completed each year to improve air quality and public health.

7. Implications

Issue	Implications
Corporate Plan	Priorities: Investing in our environment and responding positively to global challenges: The Air Quality Action Plan update prioritises measures that benefit air quality for our residents through reducing pollution emissions within the district. The plan aligns with Swale's climate change goal.
Financial, Resource and Property	Measures identified at this time contain no new financial commitments and are contained within current budgets. Specific projects will be linked to planning mitigations and S106 funding.
Legal, Statutory and Procurement	The updated Air Quality Action Plan meets the councils' legal duties under the Environment Act 1995 and the Local Air Quality Management framework.
Crime and Disorder	None identified
Environment and Climate/Ecological Emergency	This proposal aligns with ambitions included in the Councils Climate and Ecological Emergency declaration.
Health and Wellbeing	The updated Air Quality Action Plan will have a positive impact on Public Health and Wellbeing of the population of Swale BC.
Safeguarding of Children, Young People and Vulnerable Adults	None identified
Risk Management and Health and Safety	Supporting the recommendation will reduce risk for the authority. No Health and Safety implications identified. The consultation will follow Data Protection Act 2018 measures.
Equality and Diversity	None identified
Privacy and Data Protection	None identified

7. Appendices

Appendix 1: Air Quality Action Plan (2023 – 2028) which includes the public consultation under appendix A (attached)

Appendix 2: The AQAP themes for delivering compliance within the AQMAs are below

8. Background Papers

Swale Borough Council Strategic Air Quality Action Plan (2018 to 2022) –
https://services.swale.gov.uk/assets/Air-Quality/AQAP_SwaleBC_2018%20final.pdf

