
Environment Committee

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Wednesday, 13 March 2024 from 7.00 pm - 9.08 pm.

PRESENT: Councillors Hayden Brawn (Substitute for Councillor Ashley Wise), Roger Clark, Carole Jackson, Rich Lehmann (Chair), Ben J Martin (Substitute for Councillor Charles Gibson), Charlie Miller, Chris Palmer, Hannah Perkin (Substitute for Councillor Mike Henderson), Ashley Shiel, Julien Speed, Paul Stephen, Sarah Stephen, Angie Valls, Mike Whiting (Substitute for Councillor Pete Neal) and Dolley Wooster (Vice-Chair).

OFFICERS PRESENT: Tracey Beattie, Philippa Davies, Jay Jenkins and Clare Lydon.

OFFICERS PRESENT (VIRTUALLY): Emma Wiggins.

ALSO IN ATTENDANCE: Councillor Lloyd Bowen.

ALSO IN ATTENDANCE (VIRTUALLY): Councillor Monique Bonney.

APOLOGIES: Councillors Charles Gibson, Mike Henderson, Pete Neal and Ashley Wise.

761 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

762 **Minutes**

The Minutes of the Meeting held on 17 January 2024 (Minute Nos. 559 – 565) were taken as read, approved and signed by the Chair as a correct record.

763 **Declarations of Interest**

Councillor Hayden Brawn declared a disclosable non-pecuniary interest in respect of item 7, Iwade Cemetery Regulations.

Councillor Dolley Wooster declared a disclosable non-pecuniary interest in respect of item 6, Scrapsgate field horse riding review as she was the Vice-Chair of Minster Parish Council.

764 **Review of Air Quality Management Areas in East Street (AQMA 3) and Teynham (AQMA 5)**

The Mid Kent Environmental Health Manager introduced the report as set out in the agenda papers. She explained that overall, the news was good and air quality was improving in Swale. She gave a brief overview of the two Air Quality Management Areas (AQMAs) and said that the Department for Environment, Food and Rural Affairs (DEFRA) guidance was that AQMAs in compliance for three consecutive years should be considered for revocation, and at five years of compliance, the AQMA must be revoked. AQMA 3 (East Street, Sittingbourne) had been compliant for four years and AQMA 5 (Teynham) had been compliant for five years. Once revoked, the areas would continue to be monitored and the actions within the Air Quality Action Plan would continue to be implemented.

The Chair invited Members to ask questions and make comments and these included:

- Clarification sought as to whether residents' health had improved in these areas;
- welcomed the report and considered that retaining the AQMAs would weaken the impact of the AQMA status;
- clarification sought on any cost implications on re-instating the AQMAs at a later date;
- acknowledged the five-years of good readings in AQMA 5 (Teynham), but there were many developments coming through in that area and suggested the AQMA remained there to enable the impact of the developments on the AQMA to be seen;
- clarification sought on the model domains in place;
- did not agree with the proposed revocation of the AQMAs;
- considered the use of single diffusion tubes was inaccurate – multiple tubes should be used;
- continuous monitoring results should be used, not mean measurements;
- the tubes were not always in the most representative location;
- a local expert had undertaken continuous monitoring and indicated results of NO₂ levels higher than Swale Borough Council's (SBC) results;
- considered it wrong that the restrictive COVID-19 years were included within the data as this was not representative;
- the number of housing developments was increasing, and this would have an impact on NO₂ readings;
- there were regular traffic diversions onto the A2 which added to increased emissions;
- considered the data to be speculative;
- there was a lack of detail in the report;
- there was insufficient certainty to make the revocation – this was premature;
- revocation needed to be deferred until after the new Local Plan was adopted;
- the Council should work towards the World Health Organisation (WHO) pollutant data, not the Air Quality Standard's;
- Members needed to make a decision based on the figures in this report, not elsewhere;
- the data over the COVID-19 years was artificially reduced;
- clarification sought as to whether DEFRA had any advice on rationalising the data from the COVID-19 years;
- needed to recognise that data would continue to be recorded, even when the AQMAs were revoked;
- residents' health was being affected by vehicle emissions;
- the developments within the Local Plan would have a negative impact on air quality;
- revocation should be deferred until the Council had a better understanding of the health impacts on local residents;
- would have liked to have seen more in the report on what SBC was doing to try and reduce emissions in the Borough; and
- not happy with recommendation (2) in the report.

In response, the Mid Kent Environmental Health Manager and Acting Environmental Protection Team Leader explained the following: there were currently no figures available in terms of any health improvements within these areas; there were no cost

implications for re-instating an AQMA; these locations would continue to be monitored; developers were required to carry out air quality assessments prior to any new development; the revoked AQMAs would be reviewed and declared an AQMA again if there were any exceedances, although the detailed assessment report indicated that planned developments to 2038 indicated there would be no exceedances based on the data; any data needed to be DEFRA-approved; officers had spoken to DEFRA about the effects of COVID-19 on the data received over that period and they were satisfied that the time in compliance was more than the three year requirement; and evidence was needed to both declare and revoke an AQMA.

Councillor Mike Whiting moved the following amendment: That recommendation (2) in the report be amended to request that the Monitoring Officer agree the wording of the revocation notices with the committee Chair. This was seconded by the Chair. On being put to the vote, the amendment was agreed.

A visiting Ward Member for Teynham and Lynsted spoke against the resolutions in the report.

In accordance with Procedure Rule 3.1.19(2) a recorded vote was taken on the substantive motion to agree the resolutions, with the amendment and voting was as follows:

For: Councillors Ben J Martin, Carole Jackson, Rich Lehmann, Charlie Miller, Ashley Shiel, Hayden Brawn and Dolley Wooster. Total equals 7.

Against: Councillors Roger Clark, Hannah Perkin, Mike Whiting, Chris Palmer, Julien Speed, Paul Stephen, Sarah Stephen and Angie Valls. Total equals 8.

The motion to agree the resolutions was lost.

Resolved:

- (1) That the revocation of AQMA 3 and AQMA 5 not be approved.**
- (2) That the Monitoring Officer not agree the wording of the revocation notices with the committee Chair.**

765 'Scrapsgate field' horse riding review

The Leisure & Technical Services Manager introduced the report as set out in the agenda papers.

The Chair invited Members to ask questions and make comments and these included:

- Disappointed that the horse-riding group had not replied to communication on the matter with SBC;
- welcomed this initiative;
- considered this would be well used and it would not impact the Council's budget; and
- clarification sought on the implications of the scheme in terms of risk assessment and consideration of different needs on the site;

In response, the Leisure & Technical Services Manager said the site would be

continually monitored to see whether there were any conflicts arising from the different uses of the site.

Resolved:

(1) That the adjusted grounds maintenance arrangements continued, with the additional cutting of a section of the former rough grass area, at no additional cost to the Council.

766 **Iwade Cemetery Regulations**

The Leisure & Technical Services Manager introduced the report as set out in the agenda papers.

The Chair invited Members to ask questions and make comments and these included:

- Not all relevant parties had been part of the consultation process;
- there appeared to have been a lack of communication;
- this was a very sensitive subject, and it was not appropriate to request that people changed the way they remembered their deceased;
- considered the arrangements should stay as they were, and the Council should get the process right, going forward;
- considered all the cemetery should be maintained in the same way, i.e. all turfed, or not;
- the placing of memorabilia gave comfort to some, it would be insensitive if this was no longer permitted;
- there needed to be some sort of closure for the families concern; and
- clarification sought on the impact of the proposals on the gypsy and traveller community.

Councillor Ben J Martin moved the following motion: That going forward, maintenance be carried out as in paragraphs 3.2 and 4.3 in the report, and the matter be referred to the Policy and Resources Committee for budget ratification. This was seconded by Councillor Ashley Shiel.

In accordance with Procedure Rule 3.1.19(2) a recorded vote was taken on the above recommendation and voting was as follows:

For: Councillors Ben J Martin, Hannah Perkin, Carole Jackson, Rich Lehmann, Charlie Miller, Mike Whiting, Chris Palmer, Ashley Shiel, Julien Speed, Paul Stephen, Sarah Stephen, Angie Valls, Hayden Brawn and Dolley Wooster. Total equals 14.

Absent: Councillor Roger Clark. Total equals 1.

The motion to agree the resolutions was agreed.

Resolved:

(1) That the maintenance options be that either, individual plots within the designated area that wished to continue with lawn be turfed at the appropriate time, or, parts be reverted to allow planting across the whole of the plot, but no

kerb stones, as appropriate.

(2) That the matter be referred to the Policy and Resources Committee for budget ratification.

767 Forward Decisions Plan

The Chair said that Barbeques in Public Spaces – Review needed to be added to the Forward Decisions Plan (re Minute No. 564/01/24).

A Member requested that there was more detail of upcoming agenda items on the Forward Decisions Plan. The Chair responded and said that this was being looked into going forward.

Resolved:

(1) That the report be noted.

768 Adjournment of Meeting

The meeting was adjourned from 8.49 pm until 8.58 pm.

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel