

Environmental Services and Climate Change Committee	
Meeting Date	10 July 2025
Report Title	Revocation of Air Quality Management Areas in East Street (AQMA 3) and Teynham (AQMA 5) due to air quality improvements and recommendations from Defra
EMT Lead	Lisa Fillery, Director of Resource
Head of Service	Duncan Haynes, Mid Kent Environmental Health Manager
Lead Officer	Clare Lydon, Team Leader (Environmental Protection - Swale) MidKent Environmental Health Shared Service
Classification	Open
Recommendations	1. That the Environmental Services and Climate Change Committee approves the revocation of AQMA 3 and AQMA 5.

1 Purpose of Report and Executive Summary

- 1.1. This report reviews the Councils air quality data and advice provided by Defra in the last three Annual Status Reports (2022, 2023 and 2024) and data prepared for the 2025 ASR relating to Air Quality Management Areas (AQMAs) 3 (East Street) and 5 (Teynham). Consideration is given to statutory guidance provided in Defra's Local Air Quality Management, Technical and Policy Guidance (2022).
- 1.2. Annual mean concentrations of nitrogen dioxide (NO₂) at these two Air Quality Management Areas (AQMA) have been consistently below the government Air Quality Objective (AQO). The Annual Status Report (ASR) 2024 showed East Street (AQMA 3) was compliant for five consecutive years and Teynham (AQMA 5) has been compliant for the past six consecutive years. Defra have expressly indicated to Swale that both AQMAs should begin the process of revocation in feedback of the 2022, 2023 and 2024 Annual Status Reports (ASRs).
- 1.3. Additional data collected and prepared for the ASR 2025 also show:
 - East Street (AQMA 3) has now been compliant for six consecutive years with one of those years within 10% of the annual mean NO₂ concentration objective.
 - Teynham (AQMA 5) has now been compliant the last seven consecutive years, with one of the years being within 10% of the annual mean NO₂ concentration objective.

- 1.4. A report was taken to committee on the 13th of March 2024 where members voted against the revocation of both AQMAs. Since then, we have monitored NO₂ concentrations for another year in addition to having additional data from the 2024 ASR (2023 data). Both sets of results strengthen the decision to revoke both AQMAs, as concentrations have continued to decrease (see background papers).
- 1.5. Swale's Air Quality Management document is attached to this report (appendix 1) which explains what the Council should do when levels of air quality are shown to have become compliant with the National Air Quality Objective and it outlines the risks associated with not revoking AQMAs.
- 1.6. As outlined in the Air Quality Management document (paragraph 7.2.1), the revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective, as evidenced through monitoring. There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period. Defra will not appraise Air Quality Action Plan's (AQAPs) that have AQMAs compliant for five years unless a likely exceedance has been identified in the area (paragraph: 7.2.3).
- 1.7. Swale Borough Council currently has one Strategic Air Quality Action Plan (2023 -2028) covering all AQMAs in the district. Therefore, keeping an AQMA in place when it should be revoked risks Defra not accepting the AQAP in the future or if another AQMA is declared. For example, if any monitoring results identify new areas where the Air Quality Objectives (target levels) are not being met, we would not be able to create an action plan or update the current one for these areas, due to not revoking the AQMAs that are now in compliance. Subsequently we would be in breach of the legislation because we do not have an action plan for areas that should have one.
- 1.8. To ensure that any decisions are made on robust evidence, Swale Borough Council commissioned Ricardo, a company with worldwide reputation and expertise in air quality, to carry out a Detailed Assessment of NO₂ concentrations in these AQMAs (appendix 2). They were asked to consider the future committed developments that could impact air quality in these areas. As the declaration of the AQMAs relates to NO₂ this was the pollutant considered in the report.
- 1.9. The Detailed Assessment quantified the public exposure to concentrations of NO₂ across East Street, Sittingbourne and Teynham. The study assessed the years 2022 and 2028 and considered the impact of future committed developments, that could adversely impact concentrations of NO₂ in the AQMAs. A sensitivity test was also completed, to address possible fleet renewal delays in Swale relative to national projections. The assessment was robust in determining future compliance.

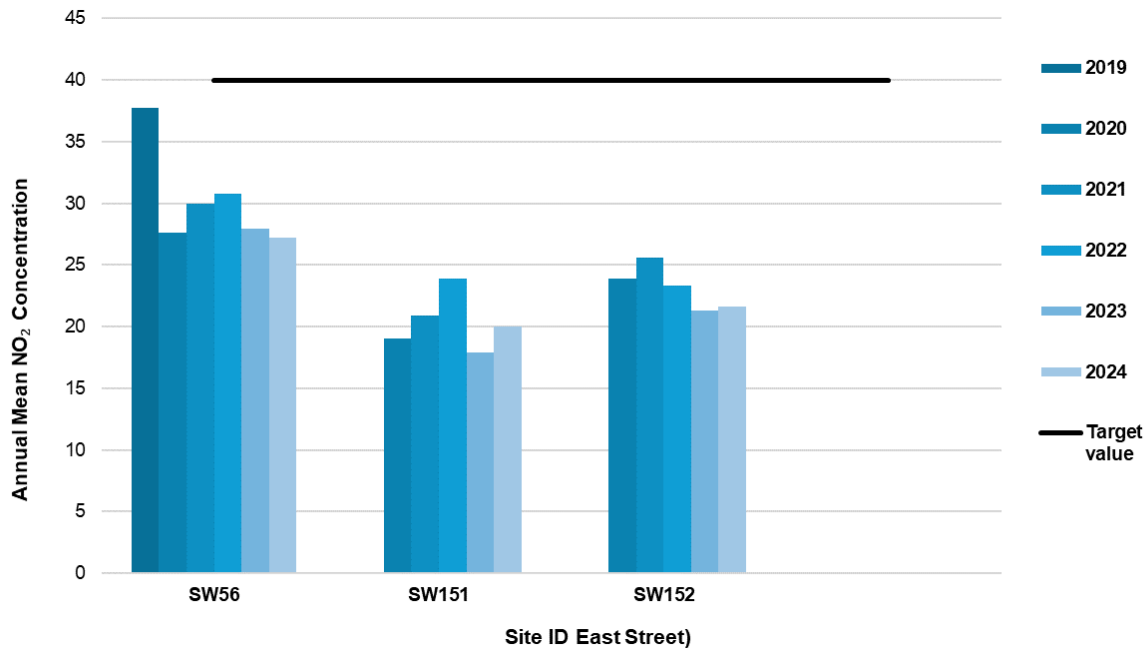
- 1.10. The Detailed Assessment demonstrates that Air Quality Objectives are being met and will continue to do so. The modelling results in the Detailed Assessment indicate the AQMAs in Teynham and East Street Sittingbourne can be revoked without risk of future exceedances for NO₂. The final conclusions of the assessment, provides confidence that the improvements will be sustained.
- 1.11. Any revoked AQMAs will still be considered an air quality sensitive area and will be monitored, remaining under scrutiny within the Councils Annual Status Reports to ensure deterioration in condition does not occur. If the two AQMAs are revoked the AQAP will be amended to this affect.

2. Background

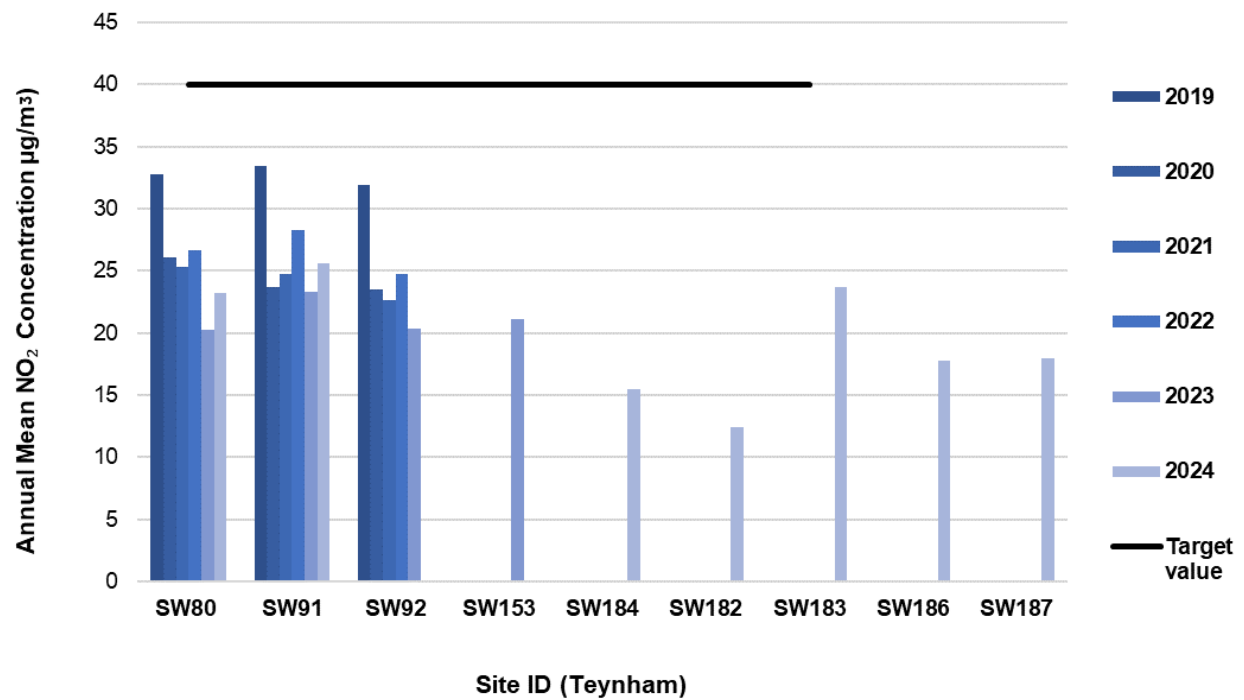
- 2.1. Swale Borough Council has a statutory duty under Part IV, Section 83 (1) of the Environment Act 1995, as amended by the Environment Act 2021, to review and assess air quality and take the necessary actions to improve areas of poor air quality. If the UK government Air Quality Objective for key pollutants are exceeded where people are likely to be regularly present, an AQMA must be declared.
- 2.2. Previous monitoring identified six locations that exceeded the annual Air Quality Objective for NO₂ with six AQMAs having been declared. These are AQMA 1 (Newington), 2/6 (Ospringe), 3 (East Street), 4 (St Paul's Street), 5 (Teynham) and 7 located along Keycol Hill.
- 2.3. The Council has an extensive air quality monitoring network providing data on NO₂ and particulate matter (PM₁₀ and PM_{2.5}) pollutant concentrations. The data is recorded, collated, and reported annually in the Council's Air Quality Annual Status Report submitted to the Department for Environment Food and Rural Affairs (Defra) for approval prior to publication.
- 2.4. The Annual Status Report (ASR) provides an opportunity to analyse bias adjusted and ratified data collected over the year and compare with the previous five years of data. The ASR 2024 (see background papers) reported on five years of data from 2023 (2023, 2022, 2021, 2020, 2019). The over-all five-year trend is one of improving air quality across all AQMAs, with an overall decrease in NO₂ concentrations since 2018 for AQMA 3 and 5 (see background papers).
- 2.5. Figures 1 and 2 below shows the annual mean NO₂ concentration for both East Street and Teynham from data collected from the ASR 2024 and data prepared for the ASR 2025 and the results show:
 - East Street (AQMA 3) shown in figure 1 has been compliant for **six consecutive years** with one of those years within 10% of the annual mean NO₂ concentration objective.

- Teynham (AQMA 5) in figure 2 has been compliant the last **seven consecutive years**, with one of the years being within 10% of the annual mean NO₂ concentration objective.

2.6. Figure 1 presents NO₂ annual mean concentrations for sites SW56, SW151 and SW152 in East Street (AQMA 3) between years 2019 to 2024. There are no exceedances of the annual mean objective and there is a general trend of reduction experienced across the sites.

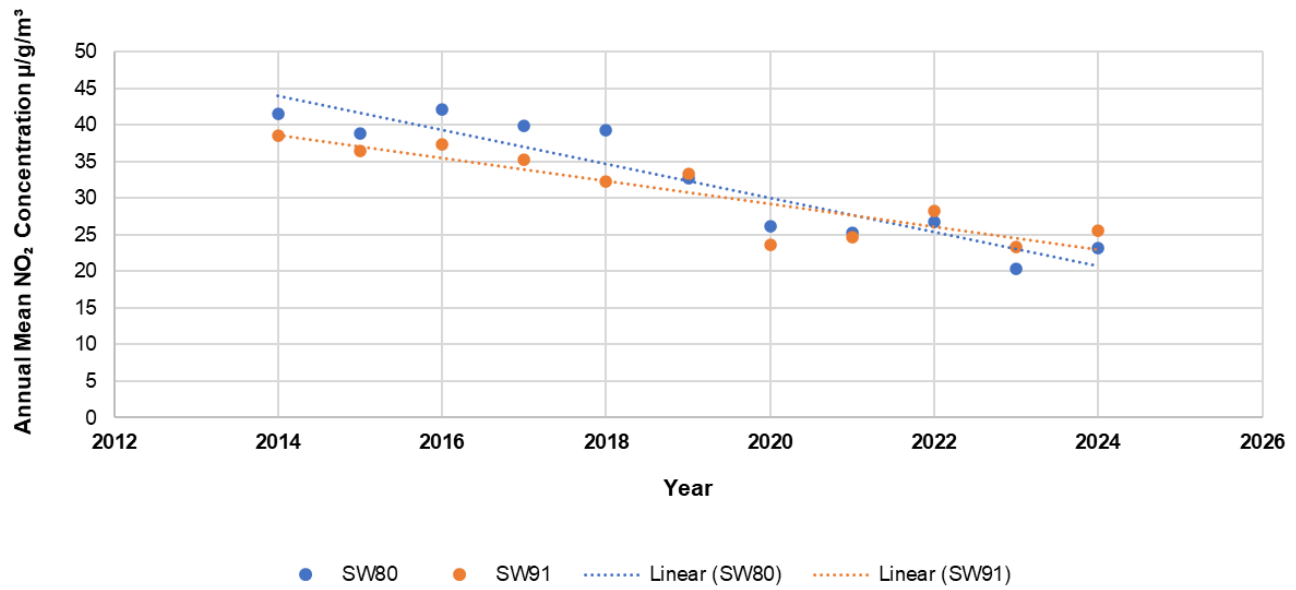


2.8. Figure 2 presents the NO₂ annual mean concentrations for sites SW80, SW91, SW92 and new 2024 sites SW153, SW184, SW182, SW183, SW186 and SW187 in Teynham and AQMA 5 between years 2019 to 2024. There are no exceedances of the annual mean objective and there is a general trend of reduction experienced across sites from previous years.

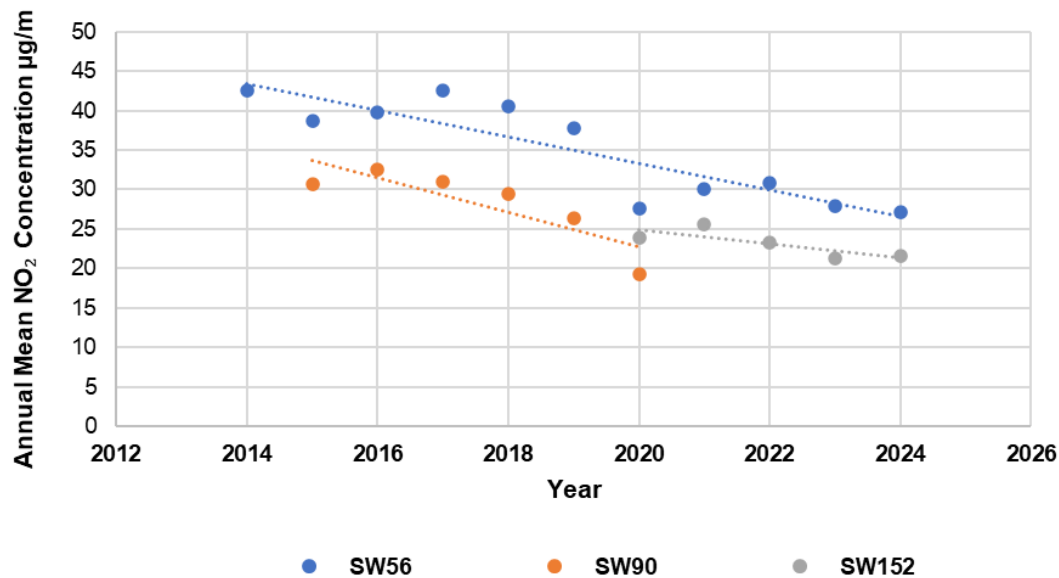


2.9. Figures 3 and 4 below shows the long-term trend the annual mean NO₂ concentration for both East Street and Teynham from 2014 to 2024. Figures 3 and 4 show a continuous decreasing trend from 2018 to 2024.

2.10. Figure 3 below shows the long-term trend in Nitrogen Dioxide concentrations in Teynham at two tube locations (SW80 and SW91) between the years 2014 and 2024.



- 2.10. Figure 4 above shows the long-term trend in Nitrogen Dioxide concentrations in East Street at three tube locations SW56, SW9 and SW152 (2020 to 2024) between the years 2014 and 2024.



- 2.7. Several factors have combined to bring about a reduction in NO₂ levels, both nationally and locally, in recent years. Perhaps the most important of these was the introduction of the Euro VI engine class in 2014. The Euro VI class represented a very significant improvement in NO_x emissions compared to the previous classes, and every year the proportion of Euro VI vehicles in the vehicle fleet increases. Other factors responsible for the reduction include a decrease in the proportion of new diesel vehicle sales, an increase in the proportion of electric vehicles and hybrid vehicles and most recently, changes in working practices originally introduced because of the COVID pandemic.
- 2.8. Defra advises the revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring.

In our most recent ASR 2024 appraisal Defra advised:

“AQMA No. 5 has been compliant for the past six years and, therefore, must be revoked”.

“AQMA No. 3 has been compliant for five years with one of those years (2019) being within 10% of the annual mean NO₂ objective. AQMA No. 3 can be considered to be revoked”.

- 2.9. The ASR appraisal stated where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. The Local Air Quality Management Technical Guidance 2022 is clear in this respect:

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (Point 3.57, page 50)". Defra further advised that "we recognise the public perception of an AQMA being revoked might be that air pollution is no longer a problem in the area, however, keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in local air quality management."

- 2.10. In 2023, the Council commissioned Ricardo to carry out a Detailed Assessment of NO₂ concentrations in the AQMAs, and to consider the future committed developments that could impact air quality in these areas (Appendix 2).
- 2.11. The Detailed Assessment (Appendix 2) provides a review of the monitored data presented in the ASR 2023 (see background papers) and a modelled prediction of future NO₂ concentrations. The assessment sets out in detail the approach used to assess if AQMAs 3 (East Street) and 5 (Teynham) should be revoked. The assessment quantified the public exposure to concentrations of NO₂ across East Street, Sittingbourne and Teynham. The modelling reviews the baseline year of 2022, using traffic data provided by the Council, from consultants SWECO (traffic management specialists) used by Swale Planning, plus national forecasts for the vehicle fleet composition. The assessment includes a future scenario to predict traffic impacts during the year of 2028, and considers whether future committed developments may adversely impact pollutant concentrations in the AQMAs. This scenario was modelled assuming that all traffic generated by each development would run through the two AQMAs. A sensitivity test was also factored should there be a delay to fleet renewal in Swale relative to national projections for 2028.
- 2.12. The Detailed Assessment provided the following final conclusions:
- No relevant individuals within AQMA 3 and 5 are predicted to be exposed to an annual mean NO₂ concentration above or within 10% of the Air Quality Objective for annual mean NO₂.
 - The Sittingbourne, East Street and Teynham AQMAs will continue to be below 10% of the Air Quality Objective for annual mean NO₂ at all locations of relevant exposure in the modelled 2028 scenario.
 - The model results therefore indicate the AQMAs can be revoked without risk of future exceedances.

- 2.13. The next steps include updating the Air Quality Action Plan to reflect the status of the AQMAs and outline the continued air quality monitoring relevant to these sensitive locations. There is a continuing commitment to ensure Swale can respond quickly should there be any deterioration in air quality across a range of pollutants. Monitoring results will continue to be published and reported to Defra in the usual way.

3. Proposals

- 3.1. To revoke both AQMAs 3 (East Street) and 5 (Teynham) in line with recommendations made by Defra and Statutory Guidance (Local Air Quality Management, Technical and Policy Guidance 2022).

4. Alternative Options Considered and Rejected

- 4.1. Do not revoke and retain AQMAs 3 (East Street) and 5 (Teynham). This would be contrary to Statutory Guidance outlined in Defra's Local Air Quality Management Technical Guidance 2022. Keeping the AQMAs in place when they should be revoked risks Defra not accepting the AQAP in the future if another AQMA is declared. Subsequently the Council could be in breach of the legislation because we do not have an action plan for areas that should have one.

5. Consultation Undertaken or Proposed

- 5.1. No public consultation is required.

6. Implications

Issue	Implications
Corporate Plan	Priorities: Investing in our environment and responding positively to global challenges: Aligns with Swale's climate change goal and result of reduced pollution emissions
Financial, Resource and Property	There are no significant costs associated with the revocation of the AQMA
Legal, Statutory and Procurement	The revocation of the AQMAs is required for Swale Borough Council to comply with section 83(1) of Part IV of the Environment Act 1995, as amended by the Environment Act 2021. This legislation requires Local Authorities to declare AQMAs to tackle exceedances of any air quality objectives, but having tackled them, the AQMAs must be revoked.

Crime and Disorder	None identified
Environment and Climate/Ecological Emergency	This proposal aligns with ambitions included in the Councils Climate and Ecological Emergency declaration as it is a result of reduced pollution emissions
Health and Wellbeing	The revocation of the AQMAs aligns with a positive impact on Public Health and Wellbeing of the population of Swale BC, as it shows air quality is improving and that these areas are now compliant with national air quality objectives. The revoked AQMAs will be continually reviewed and reported on through the Councils Annual Status Report to ensure improvements continue.
Safeguarding of Children, Young People and Vulnerable Adults	None identified
Risk Management and Health and Safety	<p>Demonstrating the AQMAs are compliant Swale Borough Council should revoke the two AQMAs in line with legislation and statutory guidance. If they do not, then they will not only weaken the status of the AQMA orders but will risk public confidence and risk of criticism from Defra.</p> <p>Keeping the AQMAs in place when they should be revoked risks Defra not accepting the AQAP in the future if another AQMA is declared. Subsequently the Council could be in breach of the legislation because we do not have an action plan for areas that should have one.</p> <p>No Health and Safety implications identified.</p>
Equality and Diversity	None identified
Privacy and Data Protection	None identified

7. Appendices

7.1. The following documents are to be published with this report and form part of the report:

- Appendix 1: Swale's Air Quality Management document (attached)
- Appendix 2: Detailed Assessment completed by Ricardo 2023 (attached)

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8. Background Papers

Swales Annual Status Report 2024 can be found at:

https://swale.gov.uk/__data/assets/pdf_file/0006/476376/2024-Air-Quality-ASR-_FINAL_27_06_24_PDF-AA.pdf

Swale's Annual Status Report 2023 can be found at:

https://swale.gov.uk/__data/assets/pdf_file/0005/457835/ASR-2023_-Final_24_10_2023_updated-PDF-AA.pdf