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Response to Consultation on Draft Local Air Quality Management Guidance

We are writing in response to your consultation on the draft Local Air Quality Management Guidance. Environmental Protection UK has considered the consultation documents and welcomes the opportunity to comment on the proposals.

About Environmental Protection UK

Environmental Protection UK brings together organisations from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years experience of environmental campaigning, public information provision, producing educational resources and policy formulation.

Environmental Protection UK's membership includes policy makers, regulators and practitioners from local authorities, consultants, developers, academics, industry and interested NGOs. As such we are able to draw on a wide range of expertise and views from representatives of the air quality and noise communities.

Comments on the Consultation

Although these comments apply mainly to the Policy Guidance as the Technical Guidance deals almost exclusively with the methodology of the Review and Assessment process.

Environmental Protection UK welcomes Defra's continuing commitment to the Local Air Quality Management (LAQM) process as shown by the consultation on the updated Guidance. We do, however, feel that it is important that such Guidance is kept up to date on a rolling basis as well as by periodic major reviews such as this one. It is appreciated that this is done, at least in part, through the various helplines and websites but we do feel that there may be other ways of supplementing these resources.

There is an apparent discrepancy between the Technical Guidance and the Policy Guidance in relation to the preparation and submission of Progress Reports (PR). In paragraph 1.26 and Table 1.3 of the former these will be required in all years except those where an Updating and Screening Assessment (USA) is to be submitted. Whereas in Table 2 of latter the current requirement for Local Authorities to submit Progress Reports only in those years when they are not submitting a USA or Detailed Assessment (DA) is retained. Clearly, as stated in question 4 there is a need for clarification.

We understand that the suggestion for PRs to be submitted in all years other than those when a USA is required arises from the fact that Defra cannot get a clear picture of the progress of LAQM, in part because of late submission of DAs and, in part, possibly, because the DAs do not provide information on progress with the LAQM process.

Although Environmental Protection UK supports Defra's case for the provision of the best possible information we do have reservations that the requirement for both a DA and PR at the same time may impose extra burdens on those Local Authorities who do submit comprehensive reports on time. One possible solution to this might be for the appropriate part of the Guidance to be rewritten to ensure that all DAs should contain a section detailing progress on the progress of LAQM in the Local Authority.

Environmental Protection UK is concerned that the commitment to the LAQM process in Local Authorities varies across the UK. In some Local Authorities there is a considerable degree of commitment from both the air quality professionals and from other sections of the authority. In others there is, at best, commitment only from the air quality professionals and where there is not even a dedicated air quality professional but LAQM is added to an officer's other workload even this commitment may be lacking.

We feel that the issuing of this revised Guidance offers a great opportunity for Defra to emphasise that Air Quality Management is an issue for all parts of a Local Authority and that in two tier areas it is a matter for both District Councils and for County Councils. We feel that it is particularly important that the major parts that can be played in the LAQM process by a Local Authority's planners both in the Development Control and Strategic Planning areas and by the Transport Planners and Transport Operations could be stressed. Although this is perhaps the key element that we would like to see in the Guidance, we do feel that it is important that the role of all parts of a Local Authority's functions in the LAQM process is included.

There is another possible addition to the Guidance, in part related to the previous point. This relates to the London Best Practice Guidance: The control of dust and emissions from construction and demolition. We are aware that many Local Authorities would like to use at least some of the provisions of this Guidance to improve controls over construction projects. It would be a considerable help to those Local Authorities if Defra's Guidance referred to the London document and, hopefully, endorsed the adoption of at least some in not all of its provisions where appropriate.

These are Environmental Protection UK's main comments on the draft Guidance but we do have some responses to the other questions posed in the consultation. These are dealt with in order below.

Response to Consultation Questions:

Question 1. No.

Question 2. See above.

Question 3. See above.

Question 4. See above.

Question 5. In principal, yes. We do feel that documents such as these will need to be kept up to date on a very regular basis and possibly supplemented by additional documents.

- Question 6. Yes.
- Question 7. In theory improvements are always possible. In practice the Guidance as proposed appears to be “fit for purpose” at present. We would, however reiterate our point about keeping the Guidance up to date on a regular basis.
- Question 8. Not applicable.
- Question 9. See above.
- Question 10. See above.
- Question 11. Yes.
- Question 12. Yes.
- Question 13. Yes.
- Question 14. Not at present but again there may be a need for updating in the future.
- Question 15. Yes.
- Question 16. Not at present but again there may be a need for updating in the future.
- Question 17. The removal of the nomograms would make this chapter more “digestible” but there is a possible risk, albeit small, that they might be overlooked if they were only available on the web.
- Question 18. Yes but again there may be a need for these to be kept up to date, especially in relation to airports.
- Question 19. Yes but again there may be a need for these to be kept up to date, especially in relation to biomass.
- Question 20. Yes.

Thank you for the opportunity to provide input to the consultation. If you have any questions about our response please do not hesitate to contact us.

Yours sincerely

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