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Dear Sir

## **Local Air Quality Management – Consultation on options to improve air quality management in England**

We are writing in response to the above consultation. The Air Quality Committee of Environmental Protection UK has considered the consultation document and welcomes the opportunity to comment. These comments represent an overview of the Committee, but do not necessarily reflect the views and opinions of individual Environmental Protection UK members.

### **About Environmental Protection UK**

Environmental Protection UK is a national charity that provides expert policy analysis and advice on air quality, land quality, waste and noise and their effects on people and communities in terms of a wide range of issues including public health, planning, transport, energy and climate.

We offer clear and critical analysis of UK government and European Union policy proposals through a range of high-quality publications and expert-led events, as well as up-to-date regulatory information through our comprehensive guide to UK and EU environment legislation.

Environmental Protection UK works with and for UK national and devolved governments, local authorities, business, academics and the general public, and with relevant EU institutions and NGOs.

### **Response to Consultation**

The consultation document poses 18 questions related to the aims for improving local air quality management and the options to deliver this improvement. EPUK intends to complete the on-line questionnaire in response to some, or all of these 18 questions, before 12

September 2013. However, there are key overarching points which we believe need to be made immediately.

It is the view of EPUK that none of the four proposed options for changing local air quality management are appropriate, and that Defra's preferred option (Option 3) would have devastating implications across all spheres of air quality management, assessment and research, if implemented, by removing the duty for local authorities to identify and act on local air quality problems. For this reason, we have taken an early opportunity to set out our proposals for an alternative option (Option 5), and the justification for this.

## Summary of Option 5

Option 5 would include:

- Retention of the air quality objectives (with possible review of 1,3 butadiene).
- Retention of local authority air quality monitoring to define the scale of the local air quality problems and to provide an evidence base for the efficacy of measures to improve air quality; the monitoring to be commensurate with the scale of the problems.
- Retention of AQMAs, and the associated requirement for action, based on detailed local assessments. This level of detail is not replicated in the national assessment, which does not, and realistically cannot, identify all local areas of high pollution.
- A duty on the local authority to take into account areas where the national assessment identifies exceedance areas which do not currently fall within an AQMA, and, where appropriate, to report on an annual basis on what local measures have been implemented to improve air quality.
- A duty on local authorities to put in place measures to reduce PM<sub>2.5</sub> exposure, based on the national assessment (i.e. there would be no obligation to review and assess PM<sub>2.5</sub> concentrations at the local level), so as to support the Government's requirement to meet the EU Directive.
- Revision to the current reporting requirements, whereby a single annual Air Quality Improvement report will be required, in a format suitable for dissemination to authority committees and cabinets, the general public, and Defra. This report would set out local measures being implemented to improve air quality, as well as the results of monitoring being used to provide the evidence base for local action. It would also include the findings of any more detailed assessments carried out to define the scale of the problems and to support the development of improvement measures. There would be no requirement for the formal preparation of Updating and Screening Assessments, Detailed Assessments or Further Assessments, as the necessary information would be reported in the annual Air Quality Improvement report. This streamlined approach would lead to cost savings compared to the existing system, while delivering air quality and public health benefits.
- Obligations on different tiers of local government, and departments within local government, to develop and implement measures to improve air quality commensurate with their roles and responsibilities. This would lead to more effective action, as air quality assessment would be led by experts within the local authority, and supported by those tiers of government who control emissions sources.

**We believe that Aim 1 should be rephrased to read “Local action focussed on what is necessary to support air quality improvement to benefit public health”.** We do not think it is appropriate to require local authorities to “work towards EU air quality standards”, a phrase that has proved to have little weight.

**We believe that the EU limit values and air quality objectives should not be consolidated.** We do not agree that having the two sets of standards in place causes confusion, and the metrics and concentrations for the most important pollutants (nitrogen dioxide and PM<sub>10</sub>) are already very closely aligned. Most importantly, determining compliance with the EU limit values can only be done using assessment methods that are compliant with the Data Quality Objectives (DQO) set out in Annex 1 of the Directive (2008/50/EC). If the air quality objectives were fully consolidated with the EU limit values, this would effectively render all local authority monitoring and modelling redundant, as it would not be feasible to demonstrate compliance with the DQOs.

There is a need for local authorities to assess local air quality. Without identifying a problem, effective action cannot be taken to address it, either directly or through the other processes, such as development control. This has to be a legal obligation, to reflect the magnitude of the public health impact (air quality currently causes 29,000 premature deaths each year in the UK).

A review of the air quality objectives could be undertaken (for example to remove 1,3-butadiene), but we believe that there is strong health evidence to retain the 15-minute mean objective for sulphur dioxide.

**We believe that Air Quality Management Areas (AQMA) should be retained.** These AQMAs have been identified based on technical guidance issued by Defra, and have been subject to audit and approval by Defra. They take into account a level of local detail that is not, and realistically cannot be, considered within the national assessment, and as such, are able to identify and quantify local hotspots of pollution, which has led to many AQMAs that are not identified within the national assessment.

If AQMAs were removed, and reliance was placed solely on those exceedance areas identified in the national assessment, this would cause harm to public health. There would be significant implications for the implementation of local measures to improve air quality. It would be impossible to gain improvements through development control.

The presence of an AQMA leads to action to improve air quality, through both direct measures and through planning and development control policies. The concept of an AQMA is also a useful tool for engaging with local communities, and increasing support for measures to improve air quality. The removal of AQMAs, and the associated requirement for action, would have catastrophic impacts on the protection of air quality and public health, including increased cost to the NHS and the UK economy from illness and premature death.

**We believe that local authorities should have a statutory responsibility to take into account exceedance areas identified by the national assessment which do not currently fall within an AQMA.** This need not require the declaration on a new AQMA, or the amendment of an existing one, but would place an obligation on authorities to identify local measures to improve air quality in these areas, and to report to Defra on an annual basis on what progress has been made, so that these actions can be easily incorporated into national reporting.

**We believe that local authorities should be required to take action to reduce PM<sub>2.5</sub> exposure.** As the principal concern lies with reducing background exposure, there is not the same level of concern with local hotspots (as there is for nitrogen dioxide and PM<sub>10</sub>) and it would be appropriate for authorities to rely on the national assessment to describe PM<sub>2.5</sub>

concentrations. Local authorities should have a statutory obligation to report to Defra on what measures they are taking to reduce PM<sub>2.5</sub> exposure in their areas.

**We agree that the current air quality reporting requirements for local authorities could be simplified.** The current LAQM system requires local authorities to compile reports on review and assessment and action planning, according to a prescriptive system. A single annual report could be used to convey the relevant information, in a more accessible manner to the public. Using this report to engage with the public will lead to better buy-in for air quality actions. The report would also be used to inform central government of progress, including progress with measures being introduced to improve air quality.

This report would include new scientific evidence on the problem, such as monitoring and modelling data, presented in an accessible way. It would also include the results of more detailed assessments carried out to support the designations or revocations of AQMAs. The report should also contain information which would be of interest to the public, including health impacts, mortality and morbidity predictions. Much of this content could be taken from the annual reports prepared by the local authority for the Director of Public Health, and would therefore lead to cost savings when drafting these reports. It should also be noted that even the current costs of reporting are small compared to the costs of the impact of poor air quality on public health.

**We believe that better cooperation between different tiers of government is required.**

At present there is a mismatch between the responsibility to address air quality (at the district level) and the control over major air pollution sources (e.g. at the County Council level for transport, the Highways Agency, or different departments within Unitary Authorities). A simpler and more effective system would ensure that all relevant stakeholders have appropriate responsibilities, and we propose that statutory obligations be placed on those tiers of government where control of emissions sources lie. This would include taking responsibility for specific measures and providing information for the report described above.

Additional comments on our proposed approach will be set out in our questionnaire response. This letter should then be read in conjunction with our forthcoming questionnaire response. EPUC would be pleased to be involved in post-consultation discussions with Defra to expand on Option 5 with regard to the detail of its implementation.

Yours sincerely



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