



LAQM Review Consultation,
Department for Environment, Food and Rural Affairs
Area 2C
Nobel House, 17 Smith Square
London SW1P 3JR

By email to: LAQM.Review@defra.gsi.gov.uk

20 January 2016

Dear Sir/Madam,

Review of Local Air Quality Management - Changes to guidance and reporting Local Air Quality Management

Introduction

We are writing in response to the above consultation. The Air Quality Committee of Environmental Protection UK has considered the consultation documents 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 UK national and devolved governments, local authorities, business, academics and the general public, and with relevant EU institutions and NGOs.

Response to Consultation

In general terms we welcome the updated guidance for Local Air Quality Management. These seek to streamline reporting, introduce a role for local authorities in reducing emissions of PM2.5, and clarify roles and responsibilities.

There is a wealth of useful detail within the two guidance documents. However, there are a number of places where they (and the underlying LAQM system) could be strengthened, to achieve more effective action and earlier compliance with the national objectives and the EU directive. These include:

- having sufficient flexibility with the Air Quality Action Plan (AQAP) and Annual Status Report (ASR) templates to consider ambitious and novel actions, and be tailored to each individual situation;
- closer linkages with the measures set out in the national plan, including Clean Air Zones;
- correcting the flawed methodology for prioritisation of measures for the AQAP;
- ensuring that the ASR relies on the type of high quality air quality assessments that previously underpinned the LAQM Review and Assessment reports;
- clarifying how much support Defra will be providing to LAs to ensure they can adequately address this, and how much enforcement of the new LAQM system there will be, in terms of both submission of the reports, quality and ambition;
- providing additional levers for action by the County Council or other transport and development bodies, or a commitment for better enforcement of the existing levers; and
- requiring organisations with control over key sources, such as County Councils, Unitary Authorities and the Highways England have defined responsibility for specific actions in the AQAP and ASR.

To deliver more effective action, the LAQM process and reports must be suitably ambitious and timely. Air quality needs to be given a high priority with commitment at local level (including county councils and highways authorities), and with adequate technical and financial support, combined with strong enforcement, provided by central government.

Our other recommendations include:

- encouraging better communication of health impacts in the ASR Executive Summary;
- providing clarity on the need to report and take action on Benzene, 1,3-Butadiene, Carbon Monoxide and Lead where local circumstances indicate there is a problem;
- requiring an assessment of the impact of PM2.5 on all measures under consideration, both in air quality driven actions and actions which will impact on air quality (such as climate change measures and planning);
- more consideration of other pollutants, including CO₂ and ozone; and
- carrying out an annual audit of other local authority and county council (or unitary authority) measures which will have an impact on air quality.

We have provided further detail on these points under the various consultation questions below.

Question 1: Does the ASR template strike the right balance between streamlining and robustness of evidence? What else would you like to see covered or removed for the ASR template?

The ASR should include all relevant information that was previously included in the Review and Assessment reports. This should include information on new sources, new pollutants, new exposure, new monitoring data, and updated modelling work. It should also include work that was previously carried out for Detailed and Further Assessments, such as source apportionment. The change should be that this report should be proportionate to the scale of the problem in the local area, so areas with consistently good air quality will only need to provide a short report.

The Impact Assessment states that the main costs are for the ASR (an estimated £2,000 per LA per year has been included). This translates to £6.9m in costs. However the benefits include saved costs of £15.8m for Updating and Screening Assessments; Detailed Assessments and Progress Reports. In order to be effective, the ASR, like the existing LAQM reports, will need to rely on high quality air quality assessment, although the format for presenting these will be different. Although the form of the report will change, the underlying work to assess air quality and the impact of local authority actions is still required. It is therefore not clear how this could lead to costs being more than halved.

We are relieved that the impact assessment no longer includes over £50m of cost savings from removing diffusion tube and automatic monitoring.

There is no obvious location to report on work which assesses new sources of pollution or exposure.

There is also no space to include any non-monitoring investigations into local air quality, for example updated source apportionment work or an emissions inventory had been compiled to help refine and further develop the AQAP measures.

The ASR template would also benefit from including an annual audit of other local authority and county council (or unitary authority) measures which will have an impact on air quality. This would help identify additional opportunities and this requirement should lead to closer working relationships between the various organisations. It will also help to ensure co-benefits (or at least avoid unintended damage) from other initiatives, such as those focused on transport, planning or climate change.

We recommend that the AQAP and ASR should allocate the responsibility for specific actions to the organisations with control over key sources, such as County Councils, Unitary Authorities and the Highways England. These organisations should take written responsibility for specific actions and have a duty to report progress on those actions. We are disappointed that this is not included in the proposed guidance.

A requirement for strong feedback on the progress of AQAP measures would be informative and lead to more effective implementation. This should include an update on progress, with explanation of any delays with an updated schedule, key responsibilities and next steps.

Question 2: Does the executive summary provide sufficient information in a format to keep the public informed of air quality progress and issues within a local authority area? What else would you like to see covered or removed?

It would be useful to include health impacts for the local authority (both mortality, morbidity and cost to the NHS), including where possible, disaggregated local data. It could be useful to compare this to other causes of mortality, to illustrate the magnitude of the problem.

To ensure this executive summary reaches a wider audience, it may be useful to require these to also be publicised through a press release, and included in Public Health Framework Outcomes reports.

Question 3: Do you support the idea of fast-track AQMAs declaration?

Yes.

Question 4: Do you support the introduction of an AQAP template? If yes, what else would you like added or removed?

Yes, but this must be flexible enough to be tailored to each individual situation, and allow for ambitious and/or novel actions to be included.

The process of the AQAP should not be too tightly prescribed, as this could limit the development of new and effective measures or packages. Best practice should be encouraged.

There should be more linkages with the measures proposed in the National Plans, including Clean Air Zones, with guidance applicable to all local authorities.

It would also be useful to promote best practice in LAQM both directly by Defra and by supported third parties, through workshops, conferences, publications and online resources.

There are several other documents which consider air quality measures, including Scotland's and London's tailored LAQM guidance, and non-government reports, such as the EPUK/IAQM Planning Guidance and the LowCVP guidance on low emission vehicles.

We continue to recommend organisations with control over key sources, such as County Councils, Unitary Authorities and the Highways England have defined responsibility for specific actions in the AQAP and ASR. We are disappointed that this is not included in the proposed guidance.

The low/medium/high classification is not helpful in prioritising measures, as this relates to the size of the problem not the opportunity for solutions. It is focussed on the contribution of the sources to the total concentration, and not the potential reductions which could be achieved, therefore it does not identify and prioritise the measures according to their potential impact.

This classification implies that "low" measures are less effective and therefore likely to be ignored and harder to get buy-in from stakeholders (despite the proviso in the introduction), whereas a combination of these measures, or just one applied ambitiously, could have more impact than a medium measure and potentially even a high measure. Many "low" measures may only affect a part of the emissions leading to exceedances, but they could have a major impact on those emissions, and therefore the total concentrations, which is not taken into account in this classification.

While it may be useful to categorise measures according to whether they address a small or large source, or a combination of sources; in order for this to be useful, each source should also be identified according to the potential reduction that could be achieved.

In order to do this, work is needed to develop an evidence base on the impact for measures (and the potential impacts of more ambitious implementation). The LAQM process could strengthen this evidence base by requiring robust monitoring of impacts and identifying quantifiable endpoints for measures, as part of policy development.

Stronger consideration for other pollutants, such as CO₂ and Ozone should be included in the guidance. This should also identify the key types of measures that will affect these pollutants.

Health impacts are a useful way to engaging with the public. Whilst not a direct requirement of LAQM, it may be helpful to include some assistance and a simple methodology for health impact assessments within the guidance for local authorities who wish to explore the health impacts of their LAQM work.

Question 5: Is the guidance clear that LAs are not required to review and assess these four pollutants unless they are aware of any potential new issues in their locality?

No. It is clear that authorities in England are not required to report on Benzene, 1,3-Butadiene, Carbon Monoxide and Lead if there are no issues within the authorities areas. However, it is not clear whether authorities have to (as stated in the ASR template) or may choose to (see TG paragraph 1.21) report on these if there is an issue that needs to be addressed. We would recommend that local authorities should still be required to assess and address 1,3 butadiene, benzene, carbon monoxide and lead, where local circumstances indicate there is a problem.

Question 6: Do the revised policy and technical guidance documents provide local authorities with a framework to help them to address PM2.5 pollution in their local area?

The Guidance does include some useful information on quantifying PM2.5 pollution and the role that local authorities and others could take. We feel it is essential that local authorities pursue the take up of roles from those who can deliver a contribution and this local allocation of roles should be detailed and reported on in the ASR.

The TGN provides helpful information on the likely impact of various possible measures on PM2.5. We strongly recommend that local authorities should be required to assess the impact of PM2.5 on all measures under consideration, both in air quality driven actions and actions which will impact on air quality (such as climate change measures and planning). This quantification would help local authorities meet their proposed new statutory requirement to work towards reducing emissions of PM2.5, and support local authority public health duties. It is important that these assessments are reported on in the ASR.

We believe that there is no need for local authorities to monitor or model PM2.5 concentrations as the national assessment should be adequate, except in circumstances where local sources of PM2.5 are a significant concern.

Question 7: Does the updated Policy Guidance achieve its aim of clarifying the roles and responsibilities of District and County Councils?

The additional information on the legal roles and responsibilities is welcomed, as is the high priority given to this within the Policy Guidance. This recognises the need for further action or support from County Councils and Unitary Authorities to ensure effective measures to improve air quality.

We were disappointed that there were no additional levers for action by the County Council or other transport and development bodies. While there are some excellent examples of joint projects and good relationships between District and County Councils, and within Unitary Authorities, there are many for whom air quality is not considered a priority. While the possibility of reticent or obstructive authorities being named and shamed in the ASR has been raised, there are likely to be strong political (non-air quality) reasons that make this unlikely.

Defra have stated that the existing responsibilities are adequate to ensure better cooperation between different tiers and departments of local government to implement effective measures to control emissions. If this is the case, then these have ignored by many councils, and proper enforcement of these duties is required by Defra, DfT and DCLG. This includes both addressing air quality through their work, and supporting local authorities' LAQM work through other channels, such as development planning and appeals and strategic transport planning.

We are particularly concerned that air quality still continues to not be fully taken into account, where relevant, in all development planning applications. The planning practice guidance has

somewhat helped fill the void created by the NPPF but we believe further guidance is required and we would like to see DCLG review what they currently provide to planning authorities. Environmental Protection UK revised our own guidance, jointly with IAQM, on “Land-Use Planning & Development Control: Planning For Air Quality” in 2015, and this can be found at <http://www.environmental-protection.org.uk/committees/air-quality/air-pollution-and-planning/>.

There is also a lack of clarity over how much support Defra will be providing to LAs to ensure they can adequately address this, and how much enforcement of the new LAQM system there will be, in terms of both submission of the reports, quality and ambition.

To deliver more effective action, the LAQM process and reports must be ambitious and timely. Air quality needs to be given a high priority and commitment at local level (including district councils, county councils, unitary authorities and highways authorities), and adequate technical and financial support and enforcement by central government. Strong enforcement can ensure air quality is a priority at the local and regional level.

To complement LAQM, all transport and planning bodies must have regard to air quality and impacts for their infrastructure, plans and programmes. This must include initial assessment and ongoing monitoring during implementation and operation.

Question 8: Do you have any further comments about the revisions to the technical or policy guidance that have not been covered elsewhere in this consultation?

It is good to see that a lot of the technical guidance that has been so useful to local authorities has been included in the new guidance, especially as much recent government guidance has tended to be considerably shorter and less useful. This includes details on how to carry out and interpret source apportionment work, monitoring and robust modelling.

Question 9: Do you have any further information/views on costs and benefits related to the proposals in this consultation?

Our concerns on the costs being more than halved for LAQM reporting are raised under question 1.

Yours faithfully.



Sarah Legge
Chair of the Air Quality Committee