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By email to: air.quality@defra.gsi.gov.uk

20 August 2013

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. We have answered these questions in this letter. These answers should be read in conjunction with our initial response

of 20 August 2013, outlining our proposed alternative to the options presented in the consultation document, Option 5.

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 took an early opportunity to set out our proposals for an alternative option (Option 5). We have attached a copy of that submission here.

Q1. What are your views on whether we should consolidate EU and National Air Quality Objectives and how this might best be achieved?

We do not believe that it necessary or desirable to consolidate the EU limit values and objectives, and we do not share the opinion that this causes any confusion to local authorities or members of the public. Although there is a need for close cooperation between the European and local systems, they deliver two different and essential outcomes. The national review provides an overview to demonstrate compliance with European legislation. The local system aims to improve public health. This should be reflected in the aims of the LAQM system, which cannot be used to demonstrate compliance with European legislation due to the different methods and monitoring requirements.

Consolidation would effectively restrict any assessment of compliance to just the national assessment (as all other approaches would not be able to comply with the Data Quality Objectives specified in the Directive) which would have devastating consequences for local air quality assessment, development control and research, and therefore also on public health, as air quality currently causes 29,000 premature deaths each year in the UK).

The best approach would be to maintain both systems, but to align them more closely where this provides a public health benefit or a cost saving (without risking damage to health). Removing the statutory duty for local assessment, will reduce the identification of local problems and the development and implementation of actions to address them.

An alternative approach as to how local authorities might incorporate nationally-identified exceedences of the limit values (where they are not identified in existing AQMAs) has been set out in our Option 5 (previously submitted).

Q2. What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced?

Currently, local authorities expend little, if any effort, in undertaking reviews and assessments for pollutants other than nitrogen dioxide, PM₁₀ and sulphur dioxide. There is an opportunity to remove 1,3-butadiene from the objectives if it can be demonstrated that this does not pose a risk to human health. We do not support the removal of the 15-minute mean sulphur dioxide objective as this would have significant health impact implications.

Question 3 – what contribution can local authorities make in reducing emissions and/or concentrations from PM_{2.5} pollution?

Local authorities should recognise the role that they can play in reducing PM_{2.5} emissions and concentrations, and be required to address this within their action plans. However, local authorities' role in reducing PM_{2.5} concentrations is necessarily limited, as a substantial contribution of the background anthropogenic component is derived from secondary emissions, arising from outside local authority boundaries. There is no need for local

authorities to monitor or model PM_{2.5} concentrations (as the focus of the European legislation is on the general background as opposed to local hotspot concentrations, which combined with local action on PM₁₀ hotspots protects public health) and reliance could therefore be placed on the national assessment.

Local authorities can make useful contributions to reducing emissions and/or concentrations of PM_{2.5} through the development of Air Quality Strategies, the introduction of Low Emission Strategies, and controls on local sources on PM_{2.5} emissions such as biomass installations.

Question 4 – which option will best help to support Aim 1?

We believe that Aim 1 should be rephrased to read “Local action is focused on what is necessary to support air quality improvements to benefit public health”, as “working towards the EU air quality standards” has proved to have little weight and is not appropriate as the local and European systems are aimed at different outcomes. We do not believe that any of the proposed options adequately support this Aim, and we have proposed an alternative Option 5.

Q5 – What are your views on how co-operation between different tiers of local authorities can be supported?

Local authorities are best placed to identify and quantify local air quality problems. However it is clear that much better cooperation between different tiers of local government is essential if measures to control emissions are to be effective. Most importantly, the statutory obligation to develop and implement local action plan measures must be focused on those tiers of government where the control of the sources of emissions lies. For example, within two-tier authorities, where transport is controlled by the County Council, a statutory obligation to develop and implement action plan measures should be placed on the County with regard to this sector. This approach would lead to a more coherent process, to identify local problems and develop appropriate and proportionate actions to address these. This would lead to cost savings as significant air quality impacts can be cost effectively delivered through development control and transport planning. This would also lead to avoided health costs in treating the illness and death caused by air pollution (and its subsequent cost to the national economy).

We also feel that this question does not address all the problems of co-operation, or perhaps more importantly the lack thereof, between relevant departments/authorities. These additional responsibilities should lead to a more coherent approach to air quality management. However, it is recognised that although there are specific problems in two tier authorities, the same types of problems frequently occur in unitary authorities.

Q6 – Do you have evidence of where joint working has been effective and what has helped to achieve this or where it has been less effective in supporting action to improve air quality?

We have both positive and negative evidence of joint working by local authorities in response to air quality issues. For the sake of being concise only one, positive, example will be given here.

This is the establishment of the Air Quality Forum in Cornwall (CAQF) in the 1990s. Local authorities pooled their expertise and set up a reserve to fund monitoring research by academics in assisting with air quality problems in the County. This led to collaboration with the clay industry (IMERYS) who funded a major project on PM₁₀ issues arising in the China Clay area. After identification of fugitive PM₁₀ sources, engineering solutions were achieved

with additional funding from the industry, thus allaying public health issues. This type of initiative would not arise in the future if Option 3 were adopted.

We feel that other examples, and in particular examples of less effective behaviour, would be better discussed in detail during the next stage of consultation outlined by Defra.

Q7 – Do you think there is a need to review the allocation of responsibility for air quality between District and County Authorities?

Yes – see our response to Q5 above.

Q8 – Which option will best help to support Aim 2?

We do not believe that any of the proposed options adequately support this Aim, and we have proposed an alternative Option 5.

We strongly disagree that Option 3 "might deliver a stronger impetus for action". Option 3 will substantially weaken the impetus for action by local authorities. Without local assessment to quantify and monitor areas poor air quality, these will no longer be a priority and it will be hard to justify action without the means to assess its impact. It is naive to think that in the current financial climate that reducing the amount of statutory work will lead to anything but less resources for air quality work. This will also then affect the availability and effectiveness of advice provided on development control and transport planning issues.

Q9 – what are your views on the current air quality reporting requirements for local authorities and how they could be simplified?

We agree that the current reporting regime is very prescriptive and could be simplified. We support the removal of the need to complete Further Assessments, and there should be no need to undertake future Updating and Screening Assessments unless there is a significant change to the science underpinning the Technical Guidance.

We recommend that all authorities should provide a single annual Air Quality Improvement report, which is described in more detail under Q10. This report should 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. We do, however, feel that the complete removal of reporting requirements where there currently few or no problems would be a very bad move as it would almost certainly lead to air quality issues being sidelined in those areas.

This approach will lead to cost savings for local authorities (especially those with good air quality), and for the government, by requiring fewer reports to be compiled and reviewed.

Q10 – Do you think there is a need for a more public facing local air quality report which provides an annual review of action taken to improve air quality?

Yes. All authorities should have an obligation to report on air quality within their areas on an annual basis. A single annual Air Quality Improvement report should 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 define the scale of the problems and to support the development of improvement measures. Detailed

work to assess the impacts of significant changes in emission sources or exposure could also be reported here.

This report would be used to engage with the public, and include new scientific evidence on the problem, such as monitoring and modelling data, presented in an accessible way. The report should encourage public participation in the air quality debate and local air quality actions. This would also contain information which would be of interest to the public, including health impacts, mortality and morbidity predictions. Some of this content can be taken from the Joint Strategic Needs Assessment from the Health and Wellbeing Boards, and work done as part of the Public Health Outcomes Framework, and would therefore lead to cost savings when drafting the reports.

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.

The report should also include an update on what action had been taken during the year, and the impact of that action in air quality and health terms. An update on the action planned for the next year will also be in the report, with clear identification of who is responsible. The report would need to have the input of both the local authority and any other organisations with responsibility for air pollution sources.

Q11 – Do you think there is a need for a better line of sight between local reporting on air quality and what we report to the EU about local action?

Yes. Where exceedences of the EU limit values lie within existing AQMAs, then the information in the Air Quality Improvement Report could be collated by Defra and included in information reported to the EU. Where the national assessment identifies exceedence areas outside of existing AQMAs, the authority should have a statutory duty to take these areas into account, and, where appropriate, to report on an annual basis on what local measures have been implemented to improve air quality.

Q12 – Do you think the current arrangements for AQMAs should be retained or should they be removed and/or local authorities given more flexibility in applying them?

We believe that the current arrangements for AQMAs should be retained, but would support a pragmatic approach in terms of flexibility, provided the local authority can make a convincing justification to support this and this does not weaken the protection of public health.

Q13 – which option will best help to support Aim 3?

We do not believe that any of the proposed options adequately support this Aim, and we have proposed an alternative Option 5.

Q14 – Would the availability of information on evidence-based measures to improve air quality or reduce exposure help in developing local action plans?

Yes. Many local authorities expend considerable time and effort in exploring which measures to include into their action plans. Information on evidence-based measures that work would greatly support the development of action plans, and allow greater effort to be placed on implementation.

Q16 – which option do you think is most likely to improve air quality management and why? Do you have an alternative approach?

We do not believe that any of the proposed options adequately support this Aim, and we have proposed an alternative Option 5.

Q17 – Are any of the options and their proposed changes to regulation, guidance and reporting likely to adversely impact on air quality, and if so to what extent?

Options 3 and 4 would have devastating implications across all spheres of air quality management and research, and consequently public health.

Local authorities are currently required to review and assess air quality within their area. This identifies any local hotspots with high air pollution, and the associated local monitoring is used to quantify the problem and monitor the impact of any action taken to address it.

Whilst it is true that there is no statutory obligation on authorities to measure air quality, it is inherently required if they are to undertake review and assessment in a robust manner. Within Option 3, where AQMAs are removed, and reliance is placed only on the national monitoring and modelling, the justification for local monitoring would be removed; this is shown within Defra's Impact Assessment where the potential savings due to the removal of monitoring is indicated for Option 3. Local problems will be missed without local monitoring, and it will be hard to justify necessary actions without adequate monitoring to assess their impacts on local air quality.

In addition, Option 3 would remove a significant number of AQMAs where the national assessment has identified no exceedence (as the resolution of the national assessment is not sufficient to identify air quality hotspots at the local level). These AQMAs have been identified using guidance issued by Defra and have been subject to Defra approval. This would have significant and devastating public health implications which have not been costed within the Impact Assessment.

Removing the AQMA designations will very likely lead to air quality being considered a lower priority by local authorities and others, eg land developers and transport planners. It will have potentially devastating impacts on public health through the loss of actions to directly improve air quality, and through the consideration given to air quality in other areas such as development control and transport planning.

Q18 – Assuming no local air quality management requirements existed as proposed in Option 4 to what extent would local incentives and pressures from public health and amenities be sufficient to support local action to improve air quality?

Option 4 would lead to more deaths and ill health in the UK, from increasing air pollution. We will all be affected to some degree, but vulnerable groups, such as children, the elderly and people with existing respiratory and cardiovascular conditions, such as asthma and heart condition, would suffer the largest impacts.

In the current economic climate, it is naive to believe that local incentives and pressures from public health and amenities would be sufficient to support local action to improve air quality. There is a mismatch between the scale of the problems caused by air pollution and the visibility of air pollution and its impacts. Air pollution damages health and consequently the economy, the climate, and the natural and urban environment. Its impacts are often not attributed to air pollution by individuals, as they manifest through causing or worsening existing respiratory and cardiovascular conditions. In order to protect public health, a statutory duty on local authorities and those who control emission sources is essential.

The designation of AQMAs has provided the necessary evidence base at the local level to support the development and implementation of local measures, and to influence development control decisions. Any changes to the LAQM system should encourage further action to improve air quality and strengthen the protection of public health. We do not believe that any of the options proposed can do this, and we have proposed a new approach in Option 5.

Additional information.

The consultation document did not quantify the costs and benefits of the health impacts and other impacts on the UK economy, only the costs of administering the LAQM or other system. The costs of the administering the system is tiny compared to the costs of the impacts. These impacts include health costs to the NHS, lost work days due to ill health, soiling of buildings, impacts on agriculture and the natural environmental and the risk of EU fines (which are currently being argued against using examples of air quality initiatives by UK local authorities).

We have deliberately not tried to undertake Cost/Benefit analysis of our proposed Option 5 in this submission. In part this is due to constraints of time and in part because we think that the quantification of the health benefits that we believe would accrue from the adoption of Option 5 when compared to the original Options 1 to 4 does not lend itself to simple monetarisation. The mortality arising from air pollution has been reasonably well quantified but the evidence on benefits arising from reduced morbidity is less certain and consequently any estimates of consequent monetary benefits would be very wide.

We would be happy to discuss the potential benefits and costs of Option 5 and the various options set out in the consultation document further. We believe that Option 5 has a better cost benefit ratio than the options set out in the consultation document.

EPUK would also 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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enc. Initial consultation response of 20 August 2013.



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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 exceedence 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_{2.5} exposure, based on the national assessment (i.e. there would be no obligation to review and assess PM_{2.5} 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 PM₁₀) 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_{2.5} 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 PM₁₀) and it would be appropriate for authorities to rely on the national assessment to describe PM_{2.5}

concentrations. Local authorities should have a statutory obligation to report to Defra on what measures they are taking to reduce PM_{2.5} 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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