

(For Democratic Services use)

Decision Number: 25 2015/16

Portfolio Holder Executive Decision Statement

The Local Authority (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

Subject: Defra Consultation - Review of Local Air Quality Management - Changes to guidance and reporting

Details of Decision taken: Agreed the proposed consultation response to Defra as detailed in Appendix A

Reason for Decision:

Defra, as part of the Red Tape Challenge has looked to remove some of the reporting burdens in relation to LAQM and updating related policy and technical guidance.

The consultation outlines changes which aim to streamline and improve current processes relating to reporting as well as when declaring Air Quality Management Areas and preparing Action Plans.

The Consultation also seeks to remove historic pollutants which no longer cause problems and clarify roles and responsibilities generally and with relation to PM2.5

The Council generally welcomes these continual improvements to the LAQM regime and has responded accordingly.

All Documents considered:

Please see:

- Attached briefing note
- Associated Appendix A - Recommended responses

Details of any alternative options considered and rejected by the Member when making the Decision:

None

Financial implications: Any duties associated with changes to the LAQM regime will be funded from existing budgets

When completed a copy of this record must be sent to the Democratic Services Section by e-mail and a signed copy by internal mail

(For Democratic Services use)

Decision Number: 25 2015/16

Legal Implications and Risk Assessment Statement :

Part IV of the Environment act 1995 requires local authorities in the UK to regularly review and assess air quality in their area to check it is meeting national air quality objectives. If it does not, they must declare an air quality management area and produce an action plan showing what they are going to do to meet standards. These plans contribute to the achievement of air quality limit values at a local level.

Risk assessment - Local Air Quality Management is a statutory service. If submissions are not made to DEFRA at required intervals, the Local Authority may be subject to external scrutiny and possible intervention from DEFRA (with costs recharged to Council).

Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Local Member (s), other Portfolio Holders and/or Directors/Heads of Service Consulted

Richard Wilson - Chief Officer Environmental & Operational Services

Details of any conflicts of interest

a) declared by any executive member who is consulted by the Decision Taker

None

b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict

None

Decision taken by:	Portfolio Holder for Direct and Trading Services
---------------------------	--

When completed a copy of this record must be sent to the Democratic Services Section by e-mail and a signed copy by internal mail

(For Democratic Services use)

Decision Number: 25 2015/16

Signed by Portfolio Holder	[REDACTED]
Date of Decision	20/1/16
Record made by:	[REDACTED]
Date of record:	21/1/16

When completed a copy of this record must be sent to the Democratic Services Section by e-mail and a signed copy by internal mail

Question 1: Does the Annual Status Report (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 does provide a simplified approach whilst still maintaining a robust evidence base, however there should be a specific requirement for transport authorities, both County Highways departments and Highways England to submit details of actions and measures that fall within their remits.

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/removed?

There was no section entitled executive summary within the ASR template. The section entitled 'Overview of air quality in our area' does provide a good format to keep the public informed.

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

Yes, however it is not clear that in reality this will provide any real efficiency savings.

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

Yes, the Council supports the introduction of an AQAP template this should be accompanied by tools to allow the measures to be quantified. The template will provide a consistent approach across authorities which may assist County Councils.

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?

Yes

Question 6. Do the revised policy and technical guidance documents provide local authorities with a framework to help them address PM_{2.5}

Yes

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

Whilst the guidance does make the responsibilities clear it does not go far enough in requiring any specific actions at County level within a two tier local authority structure. The guidance doesn't confirm the role and responsibility of Highways England.

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.

Sevenoaks District has several major trunk roads running through its area. The majority of vehicles on these roads begin and end their journey outside the District and therefore this Council has little or no influence over these vehicles. The guidance should define the responsibility of Highways England with regard to emissions from these transient vehicles.

Briefing Note

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

Defra are carrying out the final stage in a three part consultation covering a review of Local Air Quality Management (LAQM) delivery in England. This consultation invites views on Government measures to improve the delivery of LAQM.

The proposed response to the consultation is contained in Appendix A.

Background

Part IV of the Environment Act 1995, places a statutory duty on local authorities to periodically review and assess the air quality within their area. Where it appears that the air quality objectives will not be met by the designated target dates, local authorities must declare an Air Quality Management (AQMA) and develop action plans in pursuit of those objectives.

SDC has declared nice AQMAs and is currently monitoring two other areas for potential new exceedences – Greatness Quarry (for PM10) and the top of Sevenoaks High Street (for NO2). If the exceedences are confirmed, these two areas will need to be designated AQMAs.

The Government recognises the central role that Local Authorities have in achieving improvements in air quality and how their local knowledge and interaction with communities especially enables them to understand local issues and identify appropriate solutions.

Reviews of local air quality management (LAQM) have concluded that local authorities are very effective at diagnosing air quality hot spots, however it is recognised that they are less effective at implementing measures to improve air quality and very few Air Quality Management Areas (AQMAs) have ever been able to be revoked.

Despite measures to improve air quality, the UK like many other Member States, is having problems meeting EU Air Quality standards particularly for nitrogen dioxide and are subject to EU infraction proceedings for breaching the Air Quality Directive with regard to nitrogen dioxide exceedance. This exceedance in part is caused by the poor abatement performance of euro standards for certain vehicle classes and also increased use of diesel by the vehicle fleet.

In recent years the evidence associating nitrogen dioxide with health effects have strengthened and it is now estimated that the effects of nitrogen dioxide on mortality is the equivalent to 23,500 deaths annually in the UK.

Consultation

The Defra consultation, sets out changes to guidance and reporting to help local authorities focus on taking action to improve air quality and reduce priority pollutants..

The main changes to the LAQM framework are:

- Introduction of an Annual Status Report (including public facing executive summary) to replace Updating and Screening Assessments, Detailed Assessments, Further Assessments, Progress Reports and Air Quality Action Plan Progress Reports.
- Option for fast-tracking AQMA declaration – to cut down on delays and speed up the process for producing action plans.

- Introduction of an Action Plan Template – to reduce burden on authorities and ensure greater consistency.
- Removal of requirement to report on four historic pollutants which are now under control.
- PM2.5 role for local authorities – to improve public health with regard to the indicator within the Public Health Outcomes framework.
- Clarification of roles and responsibilities – guidance now clearer about legal obligations and best practice.
- Updating/improving policy and technical guidance – guidance now updated and strengthened.

The new proposed guidance reinforces the responsibility that County Councils have with regard to air quality particularly where traffic is the primary cause of air pollution