

Consultation on Local Air Quality Management (LAQM) delivery in England

Briefing Note

This consultation is aimed at inviting discussion on the best way to address shortcomings identified in Local Air Quality Management (LAQM) delivery in England. LAQM has been in place since 1997.

Despite significant improvements in air quality over many decades, poor air quality continues to impact upon public health and the environment. It is estimated that the equivalent to 29,000 deaths in the UK and an average loss of six months life expectancy is attributable alone to Particulate Matter (PM) air pollution.

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effective at implementing measures to improve air quality and very few Air Quality Management Areas (AQMAs) have ever been revoked.

The LAQM system is also directed towards meeting national air quality objectives set out in the Air Quality Strategy and the Air Quality England Regulations rather than EU Air Quality Standards/Limit Values.

(Note: EU Limit values are legally binding EU parameters that must not be exceeded and are set for individual pollutants. They apply at all locations where the public have access. LA's are instead required to work towards the National air quality objectives but there is no legal requirement to meet these objectives except in as far as these mirror any equivalent legally binding limit values in EU legislation (nitrogen dioxide (NO₂) & PM₁₀ numerical objectives and Limit Values are the same). Air quality objectives only apply where a member of the public may be exposed to pollution over the relevant averaging time).

Despite measures to improve air quality, the UK like many other Member States, is having problems meeting EU Air Quality standards and is also at significant risk of infringement, especially with regard to NO₂ exceedance. This exceedance in part is caused by the poor abatement performance of euro standards for certain vehicle classes and also increased dieselization of the vehicle fleet.

The consultation argues that there is a need to reinvigorate and refocus LAQM on action to help the UK meet EU air quality obligations and to reduce the public health impacts of poor air quality rather than the current process driven local assessment and reporting regime.

It sets out the following 4 aims to achieve this:

1. Local action is focused on what is necessary to support air quality improvements to benefit public health and to work towards EU air quality standards.
2. Local government and other stakeholders are clear on their roles and responsibilities and work together to improve air quality.
3. Local authorities have simple reporting requirements with less bureaucracy and more time and resources to concentrate on actions to improve air quality and public health.
4. Local authorities have access to information about evidence based measures to improve air quality including on transport and communications.

The consultation offers 4 options for improving LAQM, but reiterates that it is necessary to:

'... ensure action is focused on what is necessary to help meet EU air quality standards rather than diagnosis of poor air quality (important as this is for understanding what measures are needed and for evaluation). This needs to involve more focus on action planning and, in particular, strategic use of available transport and other levers to improve air quality. We think this is best achieved by Option 3 in this consultation. That will ensure local authorities and national government are both working towards the same EU obligations using measures that are evidence based and wherever possible quantified.'

The 4 proposed options suggested for consideration and associated budgetary costs for Sevenoaks District Council are outlined below:

Option	Title	Key Points	Annual Air Quality Budgets* £ 65,919 *Excludes officer time and salary costs
Option 1	Business As Usual with limited changes	<p>Maintain review and assessment reporting cycle, but remove the need for Further Assessments</p> <p>Review compliant objectives to see where action can be reduced. Note this has not been monetised</p>	<p>Potential Savings</p> <p>£5000 (approx.) per report – usually</p>

		<p>but the costs are assumed to be negligible.</p> <p>As BAU retain separate local air quality regulations</p>	<p>required once every 3 years as part of the review and assessment cycle</p>
Option 2	<p>Concentration on Action Planning and focused reporting</p>	<p>Change focus from review and assessment to action planning. Through, reducing reporting requirements – e.g. annual local air quality report to replace Updating and Screening Assessment (USA) report cycle</p> <p>This would then better align Air Quality England Regulations and Air Quality Standards Regulations</p>	<p>Potential Savings</p> <p>£5000 (approx.) per report (as above)</p>
Option 3	<p>Alignment with EU requirements to meet air quality limit values</p>	<p>LAs are no longer required to carry out detailed assessments and Making/Amending an AQMA. This would Consolidate and amend regulations so that local authority legal duties are linked more directly in helping to meet and maintain compliance with EU air quality limit values and targets where there is scope for action at the local level.</p> <p>This would mean less scrutiny from central government on local hotspots outside of the national assessment but stronger lead and advice on action planning</p>	<p>Potential Savings PA</p> <p>3 elements of overall SDC Air Quality budget:</p> <p>1. Review & Assessment - £22,359</p> <p>2. Continuous AQMS - £40,315</p> <p>3. Diffusion Tubes - £ 3,245</p>
Option 4	<p>Separate local air quality management duties do not exist</p>	<p>Repealing of requirements as done under option 3 plus</p> <p>LAs are no longer required to carry out</p>	<p>Potential Savings</p> <p>£65,919</p>

		<p>annual reporting and preparing action plans. This means that there are no specific duties on LAs to assess or report on air quality locally. There would be a greater</p> <p>reliance on national assessment to judge risks arising from transport and development proposals</p> <p>Although, there are no separate LAQM duties, LAs would still have to take account of air quality when appraising transport and development proposals and policies</p>	
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Although the monitoring aspect of LAQM has provided much valuable information about local pollution levels, which is useful for informing planning and public health decisions, the current bureaucratic rigidity of the LAQM regime, with its heavy focus on review and assessment has failed to actually ensure any great improvement of local air quality. The District Council has little influence over strategic transport decisions which could improve the local pollution hotspots it has identified and in the past has been required to undertake expensive assessment of areas despite knowing that very little can be achieved to remedy the situation.

The District Council believes that either option 3 or 4 would address these issues and make improving air quality a strategic function which would allow local authorities to determine their own priorities with regards to it.

This is the first stage of a two-stage consultation process. Defra have advised that they will consider all comments made and consult separately on any necessary changes to regulations and guidance on air quality standards.

Background Information - The current LAQM regime

The Environment Act 1995 places a duty on all Local Authorities to systematically review and assess the key pollutants in their area every three years against proscribed air quality standards and objectives.

Where it is found these objectives are unlikely to be met and the public exposed to the pollution, authorities must designate Air Quality Management Areas (AQMAs)

and prepare and implement a remedial Action Plan of measures to reduce air pollution levels.

Each Review and Assessment round consists of the LA initially undertaking an Updating and Screening Assessment (USA) and then carrying out the following stages if any objectives are found to be exceeded in an area:

- Detailed Assessment
- Designation of AQMA
- Further Assessment of air pollution in the AQMA
- Amendment if necessary of AQMA boundaries
- Action Plan
- Annual Action Plan Progress Reports

Currently:

SDC has 9 AQMAs for either or both NO₂ and PM₁₀ exceedance

DBC has 4 AQMAs for either or both NO and PM₁₀ exceedance

**CONSULTATION ON OPTIONS TO IMPROVE AIR QUALITY MANAGEMENT IN ENGLAND:
CONSULTATION QUESTIONS
Proposed Response from Sevenoaks District Council
August 2013**

Do you agree to responses being made available to the public?

Yes ✓
No

Question 1: What are your views on whether we should consolidate EU and National Air Quality Objectives and how this might best be achieved?

We would agree that having two sets of objectives and differing values particularly for the same pollutants can seem ambiguous and confusing and even misleading when trying to access the overall picture of air pollution across England.

The alignment of national objectives with EU limit values would concentrate the focus on a national and regional approach but there is a danger that by doing so local issues with poor air quality could be overlooked.

The two main pollutants of concern, nitrogen dioxide (NO₂) and PM₁₀ are both principally derived from traffic sources. It is a concern that due to failures of EU limit values for nitrogen dioxide that more resources would be focused on (NO₂) and focus on particulates (PM) on a local level may be lost, especially as research has shown that particulate matter (in particular soot from diesel exhausts) is a carcinogen with no safe threshold. However, those measures which are taken to reduce NO₂ pollutions will still provide indirect improvements to PM levels.

The limit values and National Air Quality Objectives where they apply are slightly different. Objectives apply only where there is relevant public exposure (i.e. a residential dwelling where an individual would spend a considerable amount of time), whereas EU limit values apply to anywhere where there is public access, but not necessarily any long term exposure. This would increase the geographical extent of the areas of concern. This could lead to time and resources not being concentrated on areas where there is a specific health risk, especially where already establish at a local level.

The role and contribution local authorities have with regard to the Public Health Outcomes Framework should be strengthened and recognised. The indicator is specific to PM_{2.5} which is considered regionally, however actions to achieve this would be required on a local level.

Question 2: What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced, as discussed in Para 28.

Most local authorities have AQMAs declared for nitrogen dioxide and have therefore concentrated efforts on tackling this.

As above, by simplifying the overall process and consolidating EU and National Objectives, the areas of concern could be increased to include any land with public access rather than those areas where there is a specific health risk.

Ozone is a national and trans-boundary issue but locally there are exceedences of the EU directive. We would have concern about this pollutant being made a local issue for councils to have to report on or consider in annual reports, especially those that are currently without the capability to monitor local levels.

Question 3: What contribution can local authorities make in reducing emissions and/or concentrations from PM2.5 pollution? Please provide examples, where appropriate.

Any reduction in PM10 is likely to have an associated reduction in PM2.5.
Examples include:

Use of the planning system to drive down emissions by requesting low emissions strategies for new developments rather than just 'Travel Plans'

Working with local freight operators to reduce emissions, Sevenoaks District Council is part of a Kent County wide air quality grant bid to Defra for the ECO Stars scheme, which is an initiative that promotes more efficient and cleaner freight and passenger transport vehicle movements.

Identifying and securing funding for traffic improvement schemes

OLEV Grant scheme for the installation of vehicle charge points.

Better control of Biomass. Whilst it is considered to be a green renewable energy, biomass boilers produce localised emissions that are likely to be greater than that of a gas boiler. This can be problematic if located in an area with sensitive receptors or an area of poor air quality

Enforcement of Environmental Permitting Regulations regime

Use of Statutory Nuisance powers with regards to bonfires and other smoke complaints

Enforcement of Smoke control areas

Question 4: Which option will best help to support aim 1?

Option 1

Option 2 ✓

Option 3 ✓

Option 4

Both options 2 and 3 would help to deliver this aim. Option 3 would better deliver the aim to work towards EU air quality standards. However, the removal of the requirement to retain AQMAs as in option 3 could be seen to be weakening the air quality regime on a local level particularly with regard to the development control regime and associated public health issues.

The removal of AQMAs could also be seen as the removal of protection against major national transport schemes which could have significant health impacts on individuals.

Question 5: What are your views on how cooperation between different tiers of local authorities can be supported?

The majority of the air quality issues in the UK are as a result of traffic generated pollution. District Councils have the responsibility for the much of the LAQM regime; however, many of the measures within action plans fall within the remit and funding of other organisations that have no formal reporting targets on air quality or local interest even. This lack of direct responsibility and involvement can impede the success of achieving the actions by reducing cohesion and also affect the ability to ensure initial realistic funding provision.

Instead, it is our opinion that responsibility for producing air quality action plans should primarily rest with the county councils in order to ensure 'buy in' and realistic action planning.

We would suggest that there should be a county wide Air Quality Action Plan with overarching strategic county wide actions combined with localised actions where necessary and practicable so that local issues are still recognised and addressed. There should also be a National Air Quality Action Plan which includes actions for the Highways Agency with regards to the national motorway and major trunk road network

Question 6: 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?

All 13 Kent local councils are members of The Kent & Medway Air Quality Partnership and following the publication of the Public Health Outcomes Framework and the introduction of an indicator specific to air quality, there has been a significant increase in interest in Air quality from colleagues from KCC Public Health. Joint working is helping to push air quality further up the public health agenda.

It has been our experience that there is limited effective interaction with the County Council with regard to air quality issues and local air quality Management and similarly with the Highways Agency.

Because the county council currently has no formal reporting responsibility for air quality it is difficult for District Councils to ensure that it is given sufficient importance in decision making.

Question 7: Do you think there is a need to review the allocation of responsibility for air quality between District and County authorities?

Yes ✓

No

County authorities should be given more responsibility for air quality and should report on actions. Air quality should be given a higher priority when assessing which transport schemes are brought forward. As above, air quality actions plans could be county wide plans which would encourage 'buy in' from County authorities and help to promote the joint working with regard to delivering health benefits which is particularly relevant considering the County Council's responsibility for public health.

Question 8: Which option will best help to support Aim 2?

- Option 1
- Option 2
- Option 3 √
- Option 4 √

Options 3 & 4 would help to deliver this aim.

The removal of the current reporting regime as detailed in options 3 & 4 would enable LA's to concentrate available resources in more effective ways. If this was complemented and more effectively organised such as through better joint working initiatives and the realistic re-distribution and defining of responsibilities, there should be a greater achievement of those actions identified as necessary to either improve air quality or prevent its deterioration.

Option 4 would allow LA's to fully determine the level of local priority, if any they wish to give to air quality

Working to a single set of EU standards as outlined in options 3 & 4 would best deliver this more strategic approach to air quality.

Question 9: What are your views on the current air quality reporting requirements for local authorities and how they could be simplified?

The current reporting system is too onerous and time consuming and has a detrimental effect on the ability to progress actions contained in Action Plans.

Scarce financial resources are consumed by the need to employ consultants to carry out expensive computer modelled detailed assessment reports when Local Authorities will invariably not only know the specific causes of localised air pollution such as poor junction layout, canyon effect of narrow and built up roads, major trunk and heavily used/congested roads but also have limited ability to influence any decisions concerning their improvement

Using resources and staff time to produce these reports adds nothing to improving local air quality.

The removal of much of this burden could allow resources to be focussed more directly on delivering the strategic actions necessary to improve public health and ensure coordinated transport planning.

A simplified annual progress report would at minimum provide sufficient information and indication of the local and thereby national situation and compliance with objectives.

Question 10: 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 √
- No

A more public facing report would be very beneficial as it would encourage more public buy in to any measures within action plans. Information is often requested by members of the public for which individual responses are given. This report is likely to be able to answer many of the public requests for information.

Question 11: 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

No

Yes, ideally the two should not be in isolation as now and the local reporting should make national forecasting more accurate.

In addition, the local picture should also be used to inform the national one. The two should ideally mirror each other within agreed parameters, with significant variations raising further explanation or investigation.

The mapping that is proposed to be used to report on EU limit values has been published and whilst it is only in beta version it has shown significant discrepancies between the modelled levels and what local monitoring is showing. For example at Bat and Ball (Sevenoaks) levels along Seal Road are shown to be within the 20-30 $\mu\text{g}/\text{m}^3$ whereas local monitoring has shown levels to be between 50-60 $\mu\text{g}/\text{m}^3$.

Question 12: 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?

Yes

No

There are pros and cons associated with both the retention and removal of AQMAs.

Whilst the removal of AQMAs would take the focus away from individual hotspot areas and would allow for a more strategic approach to tackling pollution, there is concern that by doing so the weight that air quality carries with regard to local development control and prioritising transport schemes would be lost and could also weaken any arguments against developments that they could be prejudicial to human health. The identification of a local area of poor air quality via an AQMA can also assist with targeting local public health initiatives.

We would comment that there is room for both AQMAs or a similar concept to be retained whilst a more strategic approach to air quality still is taken.

Local Authorities should however have greater flexibility with regards to AQMAs and be able to revoke them providing there is sufficient evidence to demonstrate that there is no longer an issue. There should not be any further legal requirement to declare AQMAs.

The national and widespread removal of AQMAs without good reason other than just a policy change and redefining of priorities could generate adverse publicity and anger especially for those within them and could discredit both local and national government, although some residents living within AQMAs may see the removal of them as the removal of a perceived blight.

The removal of AQMAs could also be seen as the removal of protection against major national transport schemes which could have significant health impacts on individuals.

Question 13: Which option will best help to support Aim 3?

Options 3 & 4

Both options 3 & 4 would result in a significant reduction in reporting requirements for Local Authorities. Option 3 would likely retain a greater focus on still identifying those local actions that Local Authorities determine best deliver local priorities and benefits.

Option 4 would still encourage LA's to take account of air quality when determining transport and development policies and proposals but as there would be no requirements to do so, it would be for them to determine their response if any to local air quality issues.

Question 14: Would the availability of information on evidence based measures to improve air quality or reduce exposure help in developing action plans?

We agree with all the report findings relating to Aim 4. LAs could then both locally and strategically utilise known successful measures to their individual circumstances.

Tools should also be made available to enable health benefits to be quantified.

Question 15: Do you have examples of good practice on the implementation of measures to improve air quality or to communicate on air quality?

The Kent and Medway Air Quality Partnership has made significant progress working with health organisations to raise the profile air quality across Kent. Work includes:
Membership of the Joint Strategic Needs Assessment sustainability working group
Engagement with Clinical Commissioning Groups
Attendance at South East GP Sustainability Awards Nov 2012

Presentations at the Kent Environmental Health Managers Group (June 2013)

Presentation at South Coast Health and Wellbeing Board

Joint presentation at London Air Quality Partnership with KCC Public Health

Also working towards delivering several schemes to improve air quality and health benefits, such as:
Air Alert scheme
Eco Stars

Question 16: Which option do you think is most likely to improve local air quality management and why? Do you have an alternative approach?

Option 1

Option 2

Option 3 √

Option 4 √

The current regime only has limited effectiveness as the strategic influence to deliver improvements locally rest with the County Councils and nationally rather than the lower tiers of local government. Option 4 would see the current responsibility for improving air quality move away from the localised

level and move to where it is potentially better placed to make a real difference at national and possibly county level.

Option 3 however, Defra's preferred option as this still has the potential to deliver substantial savings whilst encouraging Local Authorities to retain some element of local air quality management such as the principals of AQMAs and the continuing identification of local issues and the provision of information for informing decisions.

Question 17: 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?

The removal of statutory duties and responsibilities, as outlined in Option 4 and to a lesser degree option 3 could be perceived as a reduction in the importance of Air Quality by LA's and an opportunity to make substantial savings on the whole regime of LAQM, regardless of government advice to the contrary.

The removal of reporting requirements on local hotspots outside the national assessment of EU air quality standards, despite the desire that local measures help improve air quality in compliance with EU air quality standards, could similarly be used by LA's as a way re-prioritising and lowering the current commitment made to improving air quality locally.

If local based monitoring was stopped, valuable and more accurate information as well as local knowledge about local air quality would not be available. This could have a detrimental effect when trying to inform transport and health decisions and generally air quality issues could receive less consideration in the planning process. Currently, air quality assessments supporting planning applications also use local monitoring data to validate the modelling work used in the assessments. Without such localised monitoring there may be the requirement for developers to carry out time consuming monitoring studies which could act as a barrier to development.

Question 18: 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?

As per 17, it is highly likely with the current financial challenges facing local government, that local air quality management would be substantially scaled back and most local knowledge, preventative activity and monitoring information eventually lost.

Any actions taken would most likely be directed by wider county/national strategic considerations rather than on a local basis and needs.

Maintaining the value of Local air quality management could be difficult when competing against other priorities especially if seen as being more politically or financially attractive.

