

## **LOCAL AIR QUALITY MANAGEMENT (LAQM)**

### **Housing and Community Safety Advisory Committee – 8 October 2014**

Report of Chief Officer, Environmental and Operational Services

Status: For Information

Key Decision: No

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**This report supports the Key Aim of** a clean and healthy environment.

**Portfolio Holder** Cllr. Michelle Lowe

**Contact Officer(s)** Annie Sargent Ext: 3085 / Alex Dawson Ext: 3129

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**Recommendation to Housing and Community Safety Advisory Committee** that the report be noted.

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### **Introduction and Background**

- 1 On 11 February 2014 the committee received a report on air quality monitoring and management and resolved that a report be produced on how the air quality management service could be paired down, clarifying the legal position of what the Council was required to do, what air quality management projects the Council was developing and whether existing projects could be ended

### **Statutory Duty**

- 2 As stated in the report to the Committee in February, Part IV of the Environment Act 1995, places a statutory duty on Local Authorities (District Council's) to review and assess air quality within their area and identify areas where the air quality does not meet the National Air Quality objectives. Where it appears that air quality objectives will not be met, Air Quality Management Areas (AQMA's) must be declared and action plans developed.
- 3 Every third year, an Updating and Screening Assessment (USA) is required. Either side of the USA, progress reports must be provided to DEFRA each year. If the USA identifies likely exceedances of air quality objectives, a detailed assessment must be undertaken, and, where appropriate, an air quality management area must be declared, followed by an action plan.
- 4 As local air quality management is a statutory duty the Council does not have the flexibility not to follow this monitoring regime.
- 5 The next USA is due in 2015/16 with progress reports required to be submitted to DEFRA in 2014/15 and 2016/17.

## **Current Air Quality Projects**

- 6 The only air quality project, outside the statutory monitoring regime, is the Air Alert scheme reported to your February meeting. This scheme was launched in March 2014 and is a free service which runs for two years. This scheme was totally externally funded from DEFRA grants and section 106 agreements for developments in AQMA's.
- 7 The scheme is now up and running and does not require any further financial support.

## **Budget**

- 8 The 2014/15 budget for air quality is £58,128 comprising:-

Maintenance of monitoring Stations (electricity; telephones; insurance; equipment maintenance)	£10,098
Diffusion tubes	£3,342
Traffic Survey's	£6,183
AQ Review – Consultants	£14,347
Air Quality Monitoring Contract	£24,158
Total	<u>£58,128</u>

- 9 However, some expenditure, particularly on traffic surveys and use of Consultants is often only needed when a detailed assessment is required following identification of air quality exceedances from the USA
- 10 In reality savings are made each year on the budget, and expenditure is incurred only when required to fulfil statutory requirements.
- 11 In 2013/14 a total of £37,027 was saved from the budget with Nil expenditure on traffic surveys or use of air quality consultants (Actual spend £28,180)
- 12 In 2012/13 the saving was £37,237 on budget and in 2011/12, £23,020.
- 13 Over the previous three financial years a total of £97,996 has been saved from the air quality budget.
- 14 It is however, prudent, to maintain these costs in the budget in the event of a detailed assessment being required, for which there is a statutory duty to do, if the USA reveals exceedances of air quality minimum standards.

## **Continuous air quality monitoring stations (CAQMS)**

- 15 There are two, sited at Greatness, Sevenoaks (Background) and Bat and Ball, Sevenoaks (Roadside).
- 16 Greatness has been in operation for 15 years and provides much information for trend analysis and research purposes. For example it has recorded reductions in both Carbon Monoxide and Sulphur Dioxide emissions.

- 17 It monitors the main pollutants of current concern and is used for identification of pollution episodes at a Regional and National level. It provides data representative of a large area including the rural parts of the District.
- 18 The information from the Greatness CAQMS is used for the air alert scheme. The location of Greatness is important and is only one of 3 sites in Kent monitoring ozone.
- 19 The Bat and Ball CAQMS is within the A25 AQMA. External funding has been received from 106 agreements and DEFRA for the continuing operation of this road side monitoring station which monitors both NO<sub>2</sub> and PM<sub>10</sub> at this crucial junction.

### Cost Comparisons

- 20 As members of the Kent and Medway air quality partnership information is readily available on how much other Kent Councils spend on air quality. The following provides comparative data based on actual spend in 2013/14.

Sevenoaks	£28,200	9 AQMA's	2 CAQMS
Canterbury	£26,000	1 AQMA	5 CAQMS
Dartford	£20,165	4 AQMA's	3 CAQMS
Gravesham	£22,000	7 AQMA's	2 CAQMS
Maidstone	£25,000	1 AQMA	2 CAQMS
Swale	£30,000	4 AQMA's	4 CAQMS
Tunbridge Wells	£14,500	1 AQMA	1 CAQMS
Average	£23,695		

### DEFRA Consultation

- 21 As reported at your February meeting, in the summer of 2013, DEFRA consulted Local Authorities on the current LAQM regime.
- 22 Sevenoaks District Council responded supporting a move to alignment to National standards monitoring and to remove separate local air quality management duties.
- 23 Nationally, there was very little support for the SDC view and future official guidance is now expected, from DEFRA, in mid-late 2015.

### Key Implications

#### Financial

The budget of £58,840 (2014/15) is specifically allocated to fulfil the Councils statutory duty in relation to local air quality management. In practise however, actual savings are made in the budget in the region of £37,000 per annum unless a detailed assessment is

required in any one year. For this purpose it is recommended the budget is maintained, but only elements used as required.

Legal Implications and Risk Assessment Statement.

Part IV of the Environment act 1995 requires local authorities in the UK to review air quality in their area and designate air quality management areas if improvements are necessary. Where an air quality management area is designated, local authorities are also required to work towards the Strategy’s objectives prescribed in regulations for that purpose. An air quality action plan describing the pollution reduction measures must then be put in place. These plans contribute to the achievement of air quality limit values at local level.

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

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes	Yes, if Statutory duties not fulfilled, could have a detrimental effect on residents with respiratory ailments.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

**Conclusions**

1. Local Air Quality Management is a statutory function.
2. Poor air quality can adversely affect health and reduce life expectancy. Financially it costs the country substantial amounts in terms of treatments and hospital admissions with a social and economic impact on those affected.
3. The Council’s existing monitoring programme provides good coverage for the District, with two Continuous Monitoring Stations and a network of diffusion tubes.
4. Monitoring data collected provides valuable information about local pollution levels which is useful for informing planning decisions and public health issues.

5. The Council currently has nine AQMAS.
6. Previous review and assessment rounds have established that the air quality objectives and EU Limit Values for NO<sub>2</sub> (Nitrogen Dioxide) have been exceeded in eight locations and in one area for PM<sub>10</sub> (Particulate Matter).
7. The current Air Quality Action Plan contains a number of measures and actions aimed at reducing levels and mitigating the effects of air pollution within the AMQAs and across the District.
8. The Government is continuing to review the LAQM regime and is aiming to launch a fresh consultation in mid 2015 following its failure to receive sufficient support to change the existing regime as proposed. This was due to widespread concerns that removing local authority duties to monitor air quality would result in poorer air quality and in an inability to adhere to national European targets.

## **Appendices**

- Background Papers:**
1. The Environment Act 1995
  2. Kent and Medway Air Quality Partnership – Health Sub Group
  3. Air quality Action Plan 2009.
  4. Annual air quality progress report 2013
  5. Local Air Quality Management Consultation on options to improve air quality management in England
  6. Report to Housing and Community Safety Advisory Committee 11.2.14  
<http://cds.sevenoaks.gov.uk/documents/s15658/10%20-%20Air%20Quality%20Report%202014%20final%20version.pdf>

**Richard Wilson**  
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