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

29 January 2015

Dear Sir,

Local Air Quality Management – Consultation response on Review of LAQM (Dec. 2014)

This consultation response has been prepared by the Sussex Air Quality Partnership (Sussex-air).

Comments in this response have been compiled from member correspondence and discussions at the Sussex-air meeting on 15th January 2015. Each Sussex authority will also respond independently to the consultation.

Local air quality and public health

As a public health issue the evidence base for impact on human health is strengthening. The currently accepted figure for PM2.5 is 29,000 deaths/annum. We are led to believe that a metric for deaths caused by NO2 is close to being published and will provide a similar order of scale of deaths caused. Arguably this will make air quality by far in a way the biggest public health issue (arguably it already is). Added to this the Environment Audit Commission's report(s) are highly supportive of more, not less, action. The EU infraction proceedings point to the need for more – not less - action.

Whilst the changes are presented as freeing up officers from the burden of reporting to deliver actions it seems more likely that the local response to the suggested changes as proposed will be to disinvest in this policy area. As such we believe the proposals are weak and ill thought – especially if – the government's intent is to meaningfully tackle air quality issues. It seems that the governments suggested approach sits at odds with the growing evidence base and EAC commentary. We would welcome the opportunity to be involved in a more useful reworking of this regime.

Consultation commentary

The proposed amendments slim the regime down without adding anything new that would help to make the regime more effective by tackling some of the issues noted in the consultation paper. The consultation's noted 'lack of priority given at a local level' (for LAQM) is only likely to be worsened by changes especially as the evidence base for air quality will be weakened if the 15%/annum decrease in spend on monitoring comes to pass (ref p2 Impact Assessment). Likewise the 'poor joined up working between local authorities and departments' is likely to be worsened as the apparent importance of LAQM is eroded by the changes.

The proposals for the 'preferred approach to include PM2.5' appear weak. Given that they are optional then it seems unlikely that many LA's will consider this a priority despite the significant mortality statistics published by PHE and the recent EAC report. LA action ought to have a trigger

point for action (perhaps where LA's sit in an infraction zone) otherwise this will be adding something likely be ineffective to the regime.

Furthermore 'the examples of measures that local authorities can take to address PM_{2.5}' seem mainly aimed at the higher tier authorities who are not the lead authority for air quality. If the lower tiers are to force this issue then, given the historic difficulties in this regard, they must be given a significantly stronger mandate.

The 'clarification of roles and responsibilities' with regard to air quality is unlikely to make any real difference unless it puts some shared onus on the responsibility to tackle air quality issues on the higher tier authorities.

Overall it seems likely that the reduction in the scale of the regime without any real reworking of the strategic approach to meaningfully tackling air pollution issues will only further diminish the effectiveness of the regime. It is likely to result in a hollowing out of the UK's public sector air quality expertise and seemingly intends a significant reduction in the monitoring of air pollution all of which is likely to significantly reduce the effectiveness of the regime. Given the significant scale of the UK's air quality issues it isn't clear what the overall strategy is to effectively tackle the problem and its associated public health burden.

Proposal 1.

The following objectives will be removed from the 2000 (2002 as amended) Air Quality (England) Regulation:

- Benzene
- 1,3 Butadiene
- Carbon Monoxide
- Lead

Summary Comment

These pollutants need to continue to be measured for future correlation; Defra needs to continue to responsibly to measure sites.

Sussex-air agree to remove the above pollutants from LAQM (providing Defra continue to measure at a national level).

Proposal 2.

**The following role will be developed with a view to placing it in statutory guidance:
Local authorities to work towards reducing emissions of PM_{2.5}**

PM_{2.5} is major health risk and should be measured and actions should be taken to reduce emissions and exposure. Exposure is most important – the wording needs to be strengthened to include 'as statutory requirement to work towards reducing PM 2.5'. Pressure can be applied to implement this as LA's will be accountable under the Localism Act.

PM_{2.5} exposure should be integrated into planning to strengthen emissions mitigation and health impact assessments.

At present this proposal is weak and as not mandatory, anything optional is unlikely to be taken up by LAs.

There is some vagueness between LAQM versus national modelling and reporting, this needs to be clarified. Localised monitoring will need to be supported to prove the effectiveness of actions, otherwise how will measures be quantified?

Summary Comment:

Bringing in PM_{2.5} is certainly a move in the right direction, but it needs to be mandatory.

Exposure is important and LA's need to be engaged on the reduction of emissions and exposure of citizens. As with other pollutants there needs to be powers given to authorities to reduce emissions and exposure, otherwise little action can be expected to be delivered by LA's.

Proposal 3.

The LAQM reporting process will be streamlined. Local authorities will no longer be required to carry out separate:

- **Further Assessments (to be rescinded via the Deregulation Bill);**
- **Updating and Screening Assessments,**
- **Progress Reports**
- **and Detailed Assessments.**
- **These will be replaced by a single, annual Improvement 'Status' report, the details of which will be consulted upon after the regulatory changes are completed.**

Sussex-air supports the theory of streamlined reporting which has the potential to reduce burden and repetition of reports. This proposal suggests having more regular more accessible (language) reports which are simpler to produce and require less monitoring/auditing.

The reduced reporting also suggests a lesser requirement for monitoring and modelling of pollutants locally. This proposal excludes the consequences of reduced reporting on monitoring. Strong feeling is it is not possible to see or take action on local issues. Regional monitoring and modelling has historically shown that local hot-spots would be missed and the concern here is that this could occur again if the resolution (focus) of is reduced.

Concerns were also voiced on streamlined reports points to the loss of non-statutory monitoring: for example Ozone and background monitoring sites (automatic and manual (diffusion tubes)).

Summary Comment:

Reducing the technical resource required support LAQM = reduced expertise on AQ in-house for planning applications and action planning.

In addition by reducing the ability to monitor and have localised modelling/ source apportionment capabilities, it will make it difficult to assess improvements or worsening of air quality through action planning.

The proposal needs to balance the requirement to support local monitoring and assessments, and provide a simplified reporting system. The erosion of resources at the local level will greatly reduce the ability of local authorities to deliver local improvements in parallel with national objectives to reduce exposure and emissions.

Proposal 4.

Policy and technical guidance will be revised to:

- **Provide further clarity on roles and responsibilities**
- **Update on good practice and provide further examples and case studies on effective actions local authorities can take to address air quality.**

Scaling back on the policy and technical guidance is a concern, because air quality is complex. Reducing policy and technical advice = weaken policy and weaken support/advice, which cover planning and local air quality assessments.

Clarification of roles and responsibilities: Section 43 + 43 states nothing new. The local authorities and the transport authorities already have a good working relationship however there are no powers or resource to implement proper measures. Restating the clarity is insinuating LA's and TA's don't work together, this is incorrect (and patronising).

LAQM needs a more efficient (rather than keep reinventing the wheel) approach. LAQM requires top-down approach. Look to references coming from outside UK: Germany for example are able to draw on one framework and scale down by central government, consulting with LAs.

Summary Comment:

The policy and technical guidance scaling back is a concern as local authorities rely on these guidance's to ensure proper assessments are undertaken in-house and by external bodies.

Proposal 4 provides nothing new and the provision of exemplars is frankly a regurgitation of old work. Good practise and exemplars are pointless without resource and powers to implement actions. The erosion of resources at the local level and the lack of national support to implement "exemplars" like a national LEZ framework, leaves LA's without support to improve air quality.

Yours sincerely



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About Sussex-air:

The Sussex Air Quality Partnership (Sussex-air) is made up from member local, county and city authorities across Sussex in addition to the Environment Agency and Public Health England (Sussex and Surrey). The partnership works with members to improve air quality through policy, technical support and projects in Sussex and the South East.

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