

Department for Environment, Food and Rural Affairs

Review of Local Air Quality Management Changes to guidance and reporting

November 2015



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LAQM.Review@defra.gsi.gov.uk

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Purpose of consultation

This consultation invites views on Government measures to improve LAQM delivery in England. These detailed measures have been developed following input from the 2014 LAQM review overview consultation¹, which we said would be the subject of a further, more detailed consultation in late 2015.

Geographical Extent

This consultation is for England Only. The Technical Guidance referred to is a UK-wide document, for which the draft version has been updated in collaboration with the Devolved Administrations. The Mayor of London is responsible for air quality in the capital; therefore the Greater London Authority is outside the scope of this consultation.

How to respond to this consultation

This consultation will run for 8 weeks from 26th November 2015 to 21st January 2016.

Please use the Online Survey to respond to the consultation. This is now the preferred way for consultation responses to be received and analysed. If you experience problems in filling out the online survey you may email responses to: LAQM.Review@defra.gsi.gov.uk.

Postal replies may be sent to: LAQM Review Consultation, Defra, Area 2C, Nobel House, 17 Smith Square, London, SW1P 3JR

Confidentiality and data protection

A summary of responses to this consultation will be published and placed on the Government website at www.gov.uk/defra.

The summary will include a list of names and organisations that responded but not personal names, addresses or other contact details. Information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties or disclosure in accordance with the access to information regimes e.g. Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998.

If you want information, including personal data, that you provide to be treated as confidential, please say so clearly in writing when you provide your response to the consultation and why you need to keep these details confidential. If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but we cannot

¹ <https://consult.defra.gov.uk/communications/laqm-review-next-steps/>

provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

This consultation is being conducted in line with the “Consultation Principles” as set out in the Better Regulation Executive guidance which can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

Consultation Co-ordinator
Room 629,
9 Millbank,
17 Smith Square,
London, SW1P 3JR.

Or email: consultation.coordinator@defra.gsi.gov.uk

Relevant documents

This consultation is made up of a package of documents which should be read in conjunction with this document. The following documents may be found on Defra’s website: www.gov.uk/defra:

- Consultation document
- Consultee List
- Consultation Letter
- Revised Policy Guidance
- Revised Technical Guidance
- Impact Assessment
- Template: Annual Status Report (in Technical Guidance)
- Template: Action Plan Report (in Technical Guidance)
- LAQM Action Tool Box (in Technical Guidance)

Introduction

A cleaner, healthier environment benefits people and the economy. Clean air is vital for people’s health and the environment, essential for making sure our cities are welcoming places for people to live and work now and in the future, and to our prosperity. Our ambition is to make the UK a country with some of the very best air quality in the world.

Through improving air quality we can reduce both the short term and long term effects on people's health. It will have benefits to those who may find their conditions are made worse through exposure to air pollution, for example people with heart or lung conditions or breathing problems.

The evidence associating NO₂ with health effects has strengthened substantially in recent years as noted by the Committee on the Medical Effects of Air Pollutants (COMEAP)². It is estimated that the effects of NO₂ on mortality are equivalent to 23,500 deaths annually in the UK³. Many of the sources of NO_x (NO₂ and NO) are also sources of particulate matter (PM). The impact of exposure to particulate matter pollution (PM_{2.5}) is estimated to have an effect on mortality equivalent to nearly 29,000 deaths in the UK⁴. The combined impact of these two pollutants represents a significant public health challenge.

Tackling air pollution is a priority for Government, and it is separately consulting on Draft Plans to Improve Air Quality⁵. Local authority action is critical to delivering improvements in air quality and the protection of public health, and as the UK moves towards achieving full compliance with legally binding limits for ambient concentrations of certain pollutants in the air, the importance of local authority action will increase.

Local authorities have a central role in achieving improvements in air quality. Their local knowledge and interaction with the communities that they serve mean that they know the issues on the ground in detail and the solutions that may be necessary or appropriate. National government plays a key role in supporting that action through a range of funding and guidance.

This consultation document sets out changes to guidance and reporting to help local authorities focus on taking action to improve air quality and reduce priority pollutants that were signalled in the consultation on Draft Plans to Improve Air Quality. Government will consider the appropriate incentives required to help secure delivery of the locally-driven measures set out in the Draft Plans to Improve Air Quality.

Key elements of the proposed changes are to reduce the reporting burden, introduce greater consistency and ensure that quality of information is retained. This streamlined approach is intended to help local authorities focus more resources on taking action.

² Statement on the evidence for the effects of nitrogen oxide on health (March 2015),

<https://www.gov.uk/government/publications/nitrogen-dioxide-health-effects-of-exposure>

³ Defra analysis using interim recommendations from COMEAP's working group on NO₂. The working group made an interim recommendation for a coefficient to reflect the relationship between mortality and NO₂ concentrations (per µg/m³). COMEAP has not yet made any estimates of the effects of NO₂ on mortality. Any analysis will be subject to change following further analysis by the working group and consultation with the full committee.

⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/304641/COMEAP_mortality_effects_of_long_term_exposure.pdf

⁵ <https://www.gov.uk/government/news/government-launches-air-quality-consultation>

Background

Local Air Quality Management (LAQM) is a statutory requirement under Part IV of the Environment Act 1995 which requires LAs to review and assess air quality in their areas and to declare an Air Quality Management Area (AQMA) where a nationally identified pollutant objective is in exceedance or is projected to exceed. Following this, an Action Plan must be produced detailing measures to meet the pollutant objective.

This is the third and last consultation in the ongoing review of the LAQM system in England. The first consultation in July 2013⁶ gathered views on all aspects of the current LAQM system and how to improve it. The second consultation⁷ proposed the removal of four redundant pollutant objectives (1,3-butadiene, benzene, carbon monoxide and lead) for reporting purposes which is implemented in changes to the LAQM Policy guidance that is the subject of this consultation; it also sought views on replacing many of the existing reports with a single, annual progress report; and the inclusion of a flexible role for local authorities in relation to PM_{2.5}. It was made clear in the consultation that detailed changes to reporting and LAQM guidance would be subject to a further third consultation in late 2015, which this document covers.

Proposed changes to LAQM

Table 1 below summarises the main changes to the LAQM framework. This includes the main proposals briefly covered in the consultation in 2014 and further improvements aimed at speeding up action on air quality.

Table 1: Summary of measures

	What	Why	How
1.	Annual Status Report – (ASR) (including public facing executive summary)	To streamline local authority reporting burden and so make better use of resources To aid local transparency, increase accessibility of air quality to the wider public audience and encourage buy-in on measures to improve	ASR replaces the following existing reports: Updating and Screening Assessments (USAs), Detailed Assessment (DAs), Further Assessments (FAs), Progress Reports (PRs) and Air Quality Action Plan Progress Reports (AQAP PRs.)

⁶ https://consult.defra.gov.uk/communications/https-consult-defra-gov-uk-laqm_review

⁷ <https://consult.defra.gov.uk/communications/laqm-review-next-steps/>

	What	Why	How
		air quality	ASR includes: 1) Public facing section summarising local situation and main measures being taken. 2) Technical report with more detailed information, as well as monitoring/modelling of key pollutants. This needs to be sufficiently robust to enable local authorities to identify areas that are candidates for AQMAs.
2	Option for fast-tracking AQMAs declaration	To cut down on delays in declaring AQMAs and subsequent action planning process where monitoring/modelling is clear there is an exceedance or risk of exceedance. Gives greater flexibility in dealing quickly with air quality issues that might arise.	Process clarified in guidance Makes it clearer that Local authorities have the option of fast-tracking or not (as is the current situation), with any monitoring and extra assessment taking place as part of the process to determine measures.
3	Action Plan template	Under the 'streamlining' objective – a template for Action Plans will help reduce the burden on authorities in filling out information, and ensure greater consistency across local authorities but with the necessary flexibility to add additional sections	Action Plan template (draft included for review)

	What	Why	How
		where required	
4.	Removal of the LA requirement to report on four historic pollutants which are now under control (unless local or national circumstances change)	To streamline local authority reporting burden – make better use of resources	Changes to the Policy (& technical) guidance to reduce requirements for reporting on these pollutants included in this consultation.
5	PM _{2.5} role for local authorities	To improve public health	Guidance has been strengthened on how such a flexible role can be interpreted by the local authority, including advice on monitoring/modelling of PM _{2.5} .
6	Clarification of roles and responsibilities	To improve accountability and responsibility for air quality control within local government	Guidance now clearer about legal obligations and best practice.
7	Updating/improving policy and technical guidance	<p>To facilitate changes to the LAQM reporting regime</p> <p>To update or remove out-of-date policies</p> <p>To update air quality measures so that they are practical and evidence-based</p> <p>To focus local authorities on taking action</p>	Policy and Technical Guidance 2009 has been revised and strengthened, including; new case studies; evidence-based measures; updated links to external guidance and tools etc. The guidance has been formatted in a way that allows online updates, thus creating 'living documents' that can react to air quality policy as it evolves.

Streamlining of reporting requirements – new Annual Status Report (ASR)

Policy Guidance (Chapter 2), Technical Guidance (Chapter 3)

Government is introducing an ASR for LAs in England, which includes a public-facing executive summary. LAs will be expected to complete all sections of the ASR including the public facing component for each calendar year from 2016 onwards. For the first year of the new reporting system, we will expect local authorities to submit completed ASRs by the 30th June.

Key functions of the ASR:

- To provide for a public-facing summary of the local air quality situation and main measures being taken
- To highlight progress on actions being taken by local authorities
- To form the technical supporting component of the annual report – including information on monitoring/modelling/assessment of the main pollutants NO₂, PM₁₀ and SO₂
- To provide for detailed or extra analysis where this has taken place, including information on AQMAs, updates on Action Plan measures and links with transport, planning and public health
- To facilitate reporting on the flexible PM_{2.5} role
- To permit identification of “hot spots” and new AQMAs

In the last consultation most local authority respondents agreed that moving to single annual report would be much simpler than the existing reporting system, which was repetitive, caused unnecessary delays and did not focus on actions necessary to achieve objectives. A number of stakeholders, however, cautioned that in streamlining care should be taken not to lose the need for robust information to enable the identification of exceedances and local hotspots.

Question 1: Does the 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?

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 or removed?

Fast-track AQMAs declaration

Policy Guidance (Chapter 4), Technical Guidance (Chapter 3)

Local authorities now have a much better understanding of air quality in their areas than they did when LAQM was first launched in 1997. Despite this the process for declaring an Air Quality Management Areas (AQMAs) has remained report-heavy, requiring, in the past, preparation of a Detailed Assessment over 12 months, leading to provisional declaration of an AQMA, followed by a Further Assessment 12 months later verifying the conclusions of the Detailed Assessment – all before developing an Air Quality Action Plan (AQAP). The streamlining process will inevitably speed up declaration of future AQMAs but there is scope to improve the process even more without sacrificing sufficient rigour of information.

Through revisions to Policy Guidance, Government is encouraging local authorities to move immediately to declaring an AQMA where normal annual monitoring and local intelligence shows a persistent exceedance (or risk of exceedance) of a pollutant objective. Authorities still have the flexibility to carry out additional assessments in parallel with establishing an AQMA, but with the focus on doing this to help develop an effective and proportionate AQAP. The authority should only carry out additional assessments before moving to establish an AQMA if they have reasonable doubt about the validity of the information/data obtained. The decision process for establishing an AQMA should be covered briefly in the ASR.

The possibility of allowing for fast-track AQMAs as well as developing a standard template for Air Quality Action Plans (AQAPs) was not covered in the 2014 consultation, but we recognise the potential in both measures for further reducing current LAQM reporting burdens and enabling action to be taken more quickly.

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

Template for Air Quality Action Plans (AQAP)

Policy Guidance (Chapter 5), Technical Guidance (Chapter 2)

Separate Air Quality Action Plans (AQAPs) are still required under the new streamlined system. Currently, there is no single format for an AQAP and this has resulted in documents of different lengths, formats and degrees of information. The new Guidance we are consulting on is introducing a template for AQAPs which should help reduce burdens and provide consistency in the way actions and measures are inputted and described. The template is recommended for use for new or substantially revised Air Quality Action Plans. Such an approach should help make read-across from local actions in one authority to actions in another much more transparent. The measure description within the plans should be, as far as possible, consistent with those submitted to the EU for compliance reporting purposes, making it much easier for local authorities and the

public to see how actions at the local level are contributing towards and improving not only local but national air quality.

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

Removal of the requirement to report on benzene, 1,3-butadiene, carbon monoxide and lead

Policy Guidance (Chapter 2) and Technical Guidance (Chapter 1)

In the previous consultation it was our intention to amend the Air Quality (England) Regulations 2000 (2002, as amended), in order to remove four redundant pollutant objectives for reporting purposes – these were: benzene, 1,3-butadiene, carbon monoxide and lead. In light of the responses received to that consultation⁸. Government has determined that changes to LAQM Guidance, rather than Regulations, are sufficient to achieve the desired objective. The revised Guidance for consultation makes clear that Government does not expect local authorities to report annually on these four pollutants as objectives for these have been met for several years and are well below limit values. This is on the basis that we accept that, in the absence of any particular concerns in a local area that may drive further investigation at a local level, national monitoring and modelling is currently providing a sufficient basis for the review of these emissions under LAQM. Local Authorities are therefore expected to report only on NO₂, PM and SO₂ within their ASRs as explained in Chapter two of the revised LAQM Policy Guidance. However should local circumstances change, this approach gives the flexibility for local authorities to choose to report on one or all of the four pollutants should they choose to.

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?

PM_{2.5} role for local authorities

Policy Guidance (Chapter 7), Technical Guidance (Chapter 2)

Government has introduced a flexible role in LAQM Policy guidance for local authorities to work towards reductions in PM_{2.5}. In fulfilling this role local authorities will be able to make use of national monitoring and modelling but may choose also to carry out their own local

⁸ https://consult.defra.gov.uk/communications/laqm-review-next-steps/results/summary_of_responses_laqm_reviewjan2015.pdf

assessment. Local authorities are free to determine their chosen approach based on local circumstances and priorities but must describe how they are tackling PM_{2.5} in their ASR. Guidance has been expanded to provide a standardised list of possible measures to reduce emissions of PM_{2.5} from local sources and their expected impacts and benefits.

Public Health England has published estimates of mortality burdens attributable to particulate air pollution (as PM_{2.5}) in local authority areas in 'Estimating Local Mortality Burdens Associated with Particulate Air Pollution'⁹ and publishes estimates of the fraction of mortality attributable to particulate pollution as one of the indicators in the Public Health Outcomes Framework for England¹⁰.

Key function of a PM_{2.5} role:

- To improve collaboration between air quality specialists and Directors of Public Health and between upper and lower tier authorities
- To remove any ambiguity as to the need to address PM_{2.5} as both an air quality and public health issue

Question 6: Do the revised policy and technical guidance documents provide local authorities with a framework to help them to address PM_{2.5} pollution in their local area?

Clarification of roles and responsibilities

Policy Guidance (Chapter 3)

Throughout all stages of the LAQM review process, and before that, many stakeholders raised concerns about poor engagement and joint working between the various local authority departments that can have an impact on air quality. This problem was particularly acute in two-tier authorities (County and District) where the lower tier had responsibility for air quality but the upper tier had control over many of the aspects responsible for poor air quality, notably transport.

Government has updated its Policy guidance to make it clear that both county and district councils have obligations under Part IV of the Environment Act 1995, for example, in the joint development (and ownership) of Air Quality Action Plans.

Key function of clarified roles and responsibilities:

⁹ <https://www.gov.uk/government/publications/estimating-local-mortality-burdens-associated-with-particulate-air-pollution>

¹⁰ <http://www.phoutcomes.info/public-health-outcomes-framework#gid/1000043>

- To improve accountability and responsibility on all local authority departments that can impact on air quality - thus delivering improvements to local health and wellbeing.
- To ensure that all relevant local authority departments work together to address air quality in their local area.

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

Revised Technical and Policy Guidance

We have made a number of changes to the technical and policy guidance for LAQM, some of which are addressed directly in this consultation document. In addition to updates to facilitate policy changes, guidance has been revised where possible to bring it into line with Defra's smarter guidance principles¹¹ and to update it to reflect new evidence, techniques and practice.

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?

Impact Assessment (IA)

The IA to accompany this consultation is attached as a separate document and deals with the impacts of our preferred option as set out in this consultation document. Costs and benefits of the preferred option are compared against a baseline 'Business As Usual' option. The IA identifies a number of qualitative benefits from streamlining the reporting system, clarifying roles and responsibilities and the PM_{2.5} role, including greater ownership of air quality, improved service and responsiveness to air quality issues and improved public health. It also includes some quantification of costs and benefits in relation to moving from the old reporting system to the single annual status report and the introduction of an AQAP template.

Question 9: Do you have any further information/views on costs and benefits related to the proposals in this consultation?

Next steps

The consultation will run for 8 weeks and we will consider views and publish a summary response shortly afterwards. Subject to any changes as a result of this consultation or wider Government policy on air quality, we will move forward with finalising updated Policy and Technical Guidance and associated reporting templates, in line with Defra's Smarter

¹¹ <http://guidanceanddata.defra.gov.uk/smarter-guidance/>

Guidance principles. The intended start date for the new LAQM system is mid-2016. For the first year of the new reporting system, we will expect local authorities to submit completed ASRs by the 30th June.