

# **Local Air Quality Management Call for Evidence on Designation of Relevant Public Authorities Summary and Government response**

## **1. Introduction**

This document provides a summary of responses to the Department for Environment, Food and Rural Affairs' (Defra) call for evidence on designation of "Relevant Public Authorities" within the Local Air Quality Management (LAQM) Framework. The call for evidence ran for 16 weeks from 5 October 2020 to 25 January 2021. This document provides a summary of the responses received and details the next steps.

## **2. Background**

We invited views and evidence on which public authorities should be considered for designation by the Secretary of State as 'Relevant Public Authorities' who would then become 'Air Quality Partners' within the Local Air Quality Management Framework. This is under a new power we are introducing through the Environment Bill. This Call for Evidence was primarily aimed at local authorities and sought views and evidence on which bodies with functions of a public nature (public authorities) should be required to collaborate with local authorities in addressing exceedances of local air quality limits through local air quality action plans.

## **3. Summary of response statistics**

Defra received 32 responses to the call for evidence. Of these 18 (56%) responses were received from local Government, 2 (6%) responses were received from other stakeholders with an air quality interest and 10 (31%) were received from members of the public. We also received responses from Highways England and the Greater London Assembly.

6 questions were asked. A range of views were received from respondents and not every respondent provided evidence or views against each question.

## **5. The call for evidence**

**5.1 Question – Which bodies beyond local Government should be considered for designation? These should be bodies that are relevant to reducing air pollution and meeting local air quality objectives.**

All but two of the 32 responses responded to this question.

The table below lists the organisations suggested for designation and the numbers of respondents that suggested each one.

Table 1

<b>Public Authority/body</b>	<b>Number of respondents suggesting this body</b>	<b>% of respondents suggesting this body</b>
Highways England	15	46%
NHS Trusts/NHS	11	34%
Universities and Schools	11	34%
Environment Agency	9	28%
Network Rail	6	19%
Ports/Harbour Authorities	4	12.5%
Public Health England	3	9%
Planning Inspectorate	3	9%
Central Govt/Defra/DfT	2	6%
National Park Authorities	2	6%
Maritime Agency	2	6%
Bus Companies	2	6%
County Councils/local Govt bodies	2	6%
HS2	1	3%
Homes England	1	3%
Museums/Theatres	1	3%
Police	1	3%
Supermarkets	1	3%
GLA	1	3%
Office for Zero Emission Vehicles	1	3%
Traffic Commissioners for Great Britain	1	3%

### 5.2.1 Question –

**(For each body you consider to be relevant) Why do you think they should be designated? Please provide evidence to support this (e.g. data on the contribution of the relevant public authority to local air pollution management)**

Of the 32 responses the same 30 (94%) responded to this question as responded to the first question. For each organisation, the reasons given were broadly similar from one respondent to another. Public authorities suggested included policy making authorities such as Government and local government bodies e.g. Defra and the GLA; bodies with a regulatory or governance role such as Highways England, Network Rail and the Environment Agency; and bodies and directly and indirectly responsible for emissions such as NHS Trusts and also universities and schools for their educational role.

Respondents suggested **Highways England** because of their role in building, operating and maintaining the Strategic Road Network (SRN) – motorways and major A roads, although 2 respondents also referred to Highways England’s own fleet.

Respondents pointed out that Highways England's (HE) role in developing, maintaining and operating the Strategic Road Network (SRN) makes HE a key player when it comes to NO<sub>2</sub> exceedances (most existing Air Quality Management Areas are transport related). The SRN is made up of approximately 4,400 miles of motorway and major trunk roads, and carries four times as many vehicles per day per mile than local authority-managed roads. One local authority stated that modelling had demonstrated a contribution from SRN roads of "around 30% to NO<sub>x</sub> concentrations in key areas."

**NHS Trusts** were suggested both because of emissions directly under the control of Trusts e.g. gas boilers, and their own fleet, and because of emissions from visitors and staff vehicles travelling to and from hospitals. One respondent pointed out that "The NHS is the largest employer in England and is responsible for around 4% of the nation's carbon emissions. Associated air pollution from estates, fleets, customer and staff journeys and operations are significant."

**Universities and schools** were suggested because of staff and student vehicle journeys but also for their education and, in the case of universities, their research roles.

The **Environment Agency** (EA) was suggested because of their permitting role for industrial plant and waste sites. EA regulated industrial sources had been modelled by one LA to contribute to "0.13-0.99% to concentrations of NO<sub>x</sub> in key areas".

**Network Rail** was suggested in the context of idling diesel trains. One Local Authority had estimated that freight trains contributed to about 0.4% in one area studied.

**Ports and harbour authorities** were suggested because of the combined impact from port infrastructure, vehicle movements and shipping. The Association of British Ports were specifically mentioned because they "can influence improvements in shipping, freight and passenger transport and can control emissions from their own fleet and other point sources in the port".

**Public Health England** was suggested for their role in advising on health policy and for dissemination of information.

Respondents suggested the **Planning Inspectorate** because of their role in planning appeals, national infrastructure applications, and examinations of local plans.

**National Park authorities** were suggested because of the wide geographical area for which they have responsibility.

**Maritime Agency** was suggested because of their responsibility for introducing and enforcing fuel and emissions standards for shipping. Shipping had been estimated by one LA to contribute approximately 3% to concentrations of NO<sub>x</sub> in addition to contributing background levels of NO<sub>x</sub>.

**Bus companies** were suggested because switching to low emission buses can make a significant contribution to local air quality.

**County Councils/local authority bodies** – suggested because of their responsibility for the development of transport planning and the implementation of new transport

schemes, as well as to help improve the general health of everyone living in the County.

**HS2** was suggested because of the pollution emissions from this infrastructure development.

**Homes England** was suggested by one respondent, but no reason was given.

**Museums and theatres** were suggested as users of energy for heating, cooling and lighting, and potentially operation of combustion plant and gas boilers, and as generators of transport movement.

**Police** – were suggested as users of police vehicles.

**Central Govt departments** – was suggested due to their policy making role.

**Supermarkets** were suggested but no reason was provided.

**GLA** was suggested due to their policy making role; responsibility under the London Environment Strategy duties and responsibilities in respect to local air quality within London.

**Office for Zero Emission Vehicles** were suggested because they provide guidance and regulation on electric vehicles, grants and guidance.

**Traffic Commissioners for Great Britain** were suggested because of their responsibility for licensing and regulation of HGVs, buses and coaches and registration of local bus services.

### 5.3 Question -

**What actions could be taken to reduce local air pollution by the relevant authority? Please only consider actions that are within the control of the authority.**

Of the 32 responses all but one responded to this question. Respondents considered that the following actions could be taken in respect of each organisation:

**Highways England** - Consideration of schemes such as smart motorways. Cleaning up their own fleet. Reduced speed limits on the Strategic Road Network. Stronger role in air quality action planning and implementation. Improving the Electric Vehicle charging infrastructure on their network. Signage to encourage travel via less congested routes; Promoting alternative types of travel; physical screening or green walls to intercept emissions.

**NHS Trusts** – Clean up their vehicle fleet and replace boilers. Implementing no idling policies for suppliers and signage for visitors on hospital sites to reduce unnecessary exposure of patients to poor air quality; support LA communications, possibly alongside Public Health England; utilisation of the park and ride schemes; shape

behaviour of commuting staff; investigation of emissions from contaminated waste burning.

**Universities and schools** – Clean up their vehicle fleet, and provision of educational material for pupils. Also, in the case of universities, as major local employers, landholders, procurers, and fleet owners as well as educators.

**The Environment Agency** – Better enforcement of permitted activities e.g. waste facilities; Incentivising the use of cleaner technologies including abatement devices.

**Network Rail** – Reduce idling by diesel trains particularly near residential areas; introduce higher emission standards for new trains or retrofitting abatement technology into older trains; encourage key organisations to utilise rail freight as an alternative to HGVs. Expand electric freight network.

**Ports and harbour** – control pollution from shipping, controls of pollution from vehicle movements to and from the port, cleaner harbour infrastructure

**Public Health England** – information campaigns and provision of detailed information, possibly with a local picture of public health impacts. Providing specific input on incorporating more public health considerations – including health inequalities and deprivation, into possible measures or policies.

**Planning Inspectorate** – require tougher air pollution mitigation in planning decisions, and be less inclined to overturn air quality based decisions. Greater consideration for air quality when reviewing relevant major planning applications/ appeals which might be detrimental to air quality in key AQMAs; supporting clean air priorities in local plans. Look for opportunities to enhance or support air quality considerations in the planning and local plan process. It was noted by one LA “that decisions regarding air quality are typically overturned by the inspectorate at appeal”.

**National Park authorities** – control air pollution activities in their areas.

**Maritime Agency** – reduce pollution from shipping; stricter fuel and emission standards. Incentivising use of certain abatement technology in vessels. Encouraging alternative fuels including Liquefied Natural Gas and cold-ironing infrastructure or de-incentivising higher emission vessels. Enhanced process for 'black smoke' emission reporting and management. Possible partnership work with the Association of British Ports which might include a 'public portal' website which members of the public could refer to use to raise black smoke sightings.

**Bus companies** - switching to low emission buses/retrofitting buses.

**County Councils/local authority bodies** – contribute actions to local Air Quality action Plans enabling a more holistic approach to improving air quality.

**HS2** – Control air quality impacts resulting from HS2 construction and operation.

**Homes England** – No actions suggested.

**Museums and theatres** - No actions suggested

**Supermarkets** – No actions suggested.

**Central Govt Depts and the GLA** - better policies to improve air quality

**Office for Zero Emission Vehicles** - Support in implementing charge point infrastructure for key routes and home charging and supporting existing and future Electric Vehicle Action Plan measures. Providing or supporting other incentives for drivers of ultra-low emission vehicles or deterrents for higher emission vehicles including emissions-based workplace parking charges.

### 5.3 Question

**Can you provide any examples, in the context of air quality action plans where engagement of relevant bodies: a. has been effective b. has been ineffective and/or difficult? Please consider how designation would improve collaboration in the future, in terms of local action plan design and especially delivery of measures to reduce air pollution.**

Of the 32 responses 27 (84%) responded to this question. There was a mixed picture on engagement, and examples were not given for many of the bodies suggested for designation.

A respondent based at a university in Scotland provided an example of local co-operation facilitated by a local initiated Air Quality Steering group which includes the local NHS Trust.

One respondent suggested that Ministerial Direction in regard of the national nitrogen dioxide plan has shown the benefits of engaging all relevant LAs to resolve local air quality issues.

Many responses suggested that LAs were often not satisfied with the level of engagement secured from **Highways England** to address local air quality concerns

One LA said they had contacted **Network Rail** regarding idling trains nearby residential areas with limited success and that “it was determined that there were no obvious feasible solutions that could be found at a local level”.

In respect of the **Planning Inspectorate**, one LA noted that “decisions regarding air quality are typically overturned by the inspectorate at appeal”.

In respect of **National Parks** one respondent noted a failure to engage on air quality concerns by their local national park authority “especially at county level”.

### 5.5 Question 5

**In respect of bodies which may be considered relevant to local air quality, are there alternatives to designation that would be more effective in obtaining relevant and proportionate engagement with LAs?**

Of the 32 responses 20 (62.5%) responded to this question. Few responses suggested alternatives to designation, some answering simply “no” or restating their view that placing a statutory duty via designation is necessary.

One respondent preferred a general air quality duty to be placed on all public authorities.

Another respondent suggested an alternative to designation would be to set an expectation of designation through guidance.

One local authority suggested an alternative to designation of **Highways England** would be to place a general air quality duty on them “similar to local authorities.” One response focused on why in their view it would not be appropriate to designate Highways England.

## **5.6 Question 6 –**

**Is there any further evidence you would like to share with us that you feel is relevant?**

Of the 32 responses 10 (31%) responded to this question.

One respondent urged Government “to enact a powerful new Clean Air Act”, another urged educating the public on air quality. Another discussed banning controlled burning on farmland. Another respondent discussed the discrepancies between various assessment methods used by different bodies including the Environment Agency, Department for Transport and Highways England. Another discussed whether district councils in two tier authorities needed more powers to lever action from county councils.

Other points made in this section included:

“Bus services should be regulated so that LA's can control emissions from locally run bus services.”

“The whole of LAQM needs reform to give LA's the powers, funding and duties to effectively control air quality.”

“A common assessment methodology needs to be agreed to ascertain the impacts of schemes on local air quality alongside a joint requirement with Air Quality Partners to meet the local air quality management objectives of meeting set air quality limits and to improve the local air quality environment.”

“We welcome the provisions in Schedule 11 to the Environment Bill which continue, in the new section 83A, the preparation of action plans by district councils. As with other statutory duties placed on councils, Defra needs to ensure that adequate funding is provided to enable discharge of these duties, including any new burdens arising from the changes made by the Environment Bill.”

## **6. General Summary**

The Call for Evidence was conducted at a time when local authorities had increased demands on resources to respond to the coronavirus crisis. Nonetheless we received some high-quality responses, and we are grateful to those who took the time to respond.

Understandably the responses were mostly concerned with transport emissions since transport sources are the cause of most Air Quality Management Areas. One Local Authority calculated that 68% of NO<sub>x</sub> was from road transport in key areas - 22% of which from HGVs, 16% of from LGVs and 15% from buses.

Most respondents felt that increasing the number of public authorities working together to improve air quality would be a step forward.

Some responses suggested bodies that would not be appropriate to designate to contribute actions to local Air Quality Action Plans (such central Government Departments) while others suggested bodies who will be required to act as air quality partners where appropriate as a result of the primary legislative changes in the Bill (Environment Agency, County Councils).

Highways England were suggested for designation by the greatest number of respondents given their governance of the Strategic Road Network. Responses reflected some frustration from local authorities responsible for taking action to improve air quality where emissions from the SRN are a significant factor.

Responses demonstrated the broad range of public authorities, including private sector organisations with functions of a public nature, whose actions can contribute to improving air quality locally.

## **7. Next steps**

We have committed within the Environment Bill to formally consult before designating any public authority. A broad range of public authorities were suggested, with varied roles sometimes with complex governance arrangements. We have begun conversations across Government to ensure we pursue designation where this is sensible.

We intend to take forward a staged approach to designation and we will consult on the first designation later this year.

## **8. Summary of abbreviations**

AQMA – Air Quality Action Plan

AQAP – Air Quality Action Plan

Defra – Department for Environment Food and Rural Affairs

DfT – Department for Transport

EA - Environment Agency

GLA – Greater London Assembly



HE – Highways England

HGV – Heavy Goods Vehicle

HS2 – High Speed 2

LA - Local Authority

NHS – National Health Service

NO<sub>x</sub> – Nitrogen Oxides

NO<sub>2</sub> - Nitrogen Dioxide

SRN – Strategic Road Network