



Chartered
Institute of
Environmental
Health

Review of Local Air Quality Management in England

Response to Department for Environment, Food and Rural
Affairs consultation document

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Sean O'Byrne
Resource Atmosphere and Sustainability
Area 2C
Dept for Environment, Food & Rural Affairs
Nobel House
17 Smith Square
London
SW1P 3JR

By e-mail: air.quality@defra.gsi.gov.uk

Dear Mr O'Byrne

Review of local air quality in England

We refer to the Department's consultation paper published in July and offer the following comments by way of introduction.

The under-performance of Local Air Quality policy has been recognised for a long time. It is difficult to understand why it has taken quite so long to address and disappointing that the main reasons for doing so now appear to be the threat of infraction proceedings and satisfying the government's 'Red-tape challenge'. Reinforced by the stated cost savings (which do not appear to have been balanced by the ill-health costs of poor air quality anyway) that only taints the process, bringing the government's commitment into question. Notwithstanding having waited so long, the timing could still have been better given proposals expected imminently from Brussels and it seems inevitable that we shall have to revisit our objectives again soon.

Salient among the reasons why past policy has not been implemented more effectively is the need for different authorities and agencies to work cooperatively together. To the extent to which that depends on organisational capacity, it relies on knowledgeable and experienced people and Defra's aims will come to nothing unless cuts to local capacity are reversed and authorities at all levels are persuaded to give local air quality the attention it needs. Though air quality may be only a very small part of it, in that respect we think the failure fully to engage lower tier authorities in the new Public Health Framework is a mistake.

The government's 'Growth at any cost' strategy, turning the planning system into a free-for-all, is another mistake and counter-productive, encouraging inappropriate development. In both respects, manpower and planning, Government cannot demand more in terms of air quality management on the one hand yet undermine the ability to deliver it on the other and a more coherent approach to the role it sees for local government is required.

In answer, then, to your substantive questions:

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

It never has made sense to maintain two sets of overlapping objectives and we agree that, for accessibility alone, there should be a consolidation. We believe there is scope for some rationalisation too (see below).

2. What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced?

There should be no 'default' to a minimal EU list and, in principle, a revised set of objectives should continue to span all those pollutants of concern in our national context, including both long- and short-term, and local and national parameters where indicated by the effects of particular pollutants.

Notwithstanding, there seems little justification to retain the 2003 national objective for Benzene or for retaining the national objectives for Lead and Carbon monoxide given current and projected ambient levels. We would be content for the national objective for Butadiene to be revoked but are less clear whether the 2010 national objective for Benzene should go at the same time. Whether the 15 minute mean Sulphur dioxide objective offers sufficient marginal benefit over the 1-hr mean to retain it needs fresh consideration but it really goes without saying that the national objectives for NO₂ and for PM₁₀ should be retained while the EU Limits for PM_{2.5} should be applied locally.

It would seem to make sense where any objectives are believed to have been achieved to phrase the future requirement to 'maintain' rather than still to 'work towards'.

3. What contribution can local authorities make in reducing emissions and/or concentrations from PM_{2.5} pollution? Please provide examples, where appropriate.

It is not possible to eliminate PM_{2.5}s, not least the natural fraction; like noise, airborne particles are an intrinsic part of our world and the natural world certainly is not particle-free nevertheless there is broad agreement that levels of anthropogenic PM_{2.5}s can be reduced and that there is some net benefit in doing so. A significant fraction of these particles is known to derive from diesel emissions and it is only logical to suggest that they might be reduced most where they are highest, and the actions to do that more justifiable where their health impact is greatest, but the first step in that process is to identify those areas.

That, of course, requires monitoring, followed by some process of characterisation and the familiar stages of environmental risk assessment and management and it is local authorities which are best-placed, in collaboration with other stakeholders, to undertake at least the early stages of that process. As the consultation paper says, 'many of the measures to tackle pollution hotspots are often best implemented by local authorities' and, where they have the necessary powers, over stationary emissions and over land use planning especially, they may go further but it is clear that in respect of mobile emissions, most local authorities lack the powers to make significant impacts; even where they do have the powers, their use requires the cooperation and coordination of neighbours and other stakeholders, both close at hand and regionally, which may not be forthcoming or

straightforward in any event (where, for example, one area's air quality solution risks becoming another's problem).

4. Which option will best help to support Aim 1?

A combination of Options 2 and 3, that is to say in particular, removing the requirement for Up-dating and Screening and Further Assessments (which in any case appear, sometimes, simply to be recycled) in favour of shorter, more focused reports (in a form easier for elected members and the public to understand) but based on consolidated and rationalised objectives (see above). We cannot agree, however, that the proposal in Option 3 to remove all reporting requirements for local hotspots would support this aim, indeed, for the reasons enlarged on in answer to Q.16, the opposite. We have doubts, moreover, not only about the adequacy of the modelling based solely on the outputs of the relatively sparse AURN network but about the accuracy of its outputs too, and data from the local network plays an important role both in supplementing and validating that.

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

The question suggests ('supported') that only voluntary measures might be considered but we think the time for those has passed; effective management requires that responsibility and authority need to sit together and that is no less true in the case of managing air quality than in managing anything else. There is, moreover, now sufficient experience of the consequences when that tenet is not observed and, despite the government's aversion to new burdens, the time has surely come to enforce the necessary co-working more explicitly.

Cooperation between authorities, whether of the same or different tiers, whether individuals or consortia, will nevertheless depend on all of them having the necessary skills and we cannot help noting how both environmental health and planning departments have been hit by recent cuts, driven (no matter how much it denies it) by central government, yet apparently little resisted by some councils whose elected members do not seem to appreciate their value. Likewise, what cooperation is achieved will come to nothing if its decisions are not funded to fulfilment and, on the question of funding of road schemes specifically, it appears to us that a different perspective may need to be taken on cost-effectiveness in some cases if air quality aims are not to be frustrated indefinitely.

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?

The CIEH has not systematically collected examples of successful joint working between authorities, nevertheless, one example which stands out is that of the Sussex AQ Partnership including not only local authorities at different tiers but the local Environment Agency region, NHS/PHE, and universities too. We know that Defra is aware of many more through its meetings of Regional Air Quality Coordinators over several years. Further examples of local authorities working successfully with the Environment Agency are also known to Defra through meetings of the Industrial Pollution Liaison Committee.

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

We think this question misses the point that responsibility for improving air quality needs to lie with those authorities with the powers to do so. District councils have the powers to reduce and control emissions from some sources (eg most point sources and local roads) while powers to reduce and control emissions from others lies elsewhere, in particular with Highways Authorities (whether unitaries or counties) in the case of transport emissions from the roads they manage (not to mention under the operator contracts let by Transport authorities) or, alternatively, with the Highways Agency too. It is not, to our mind, a case of transferring responsibility for LAQM wholesale from one tier to another but rather to provide all of the stakeholders with the powers (and in more cases than now, the explicit duties too) they need to maximise their contributions. We suggest that making explicit what, hitherto, has been less so should not be regarded as an additional burden but, rather, just a clarification.

8. Which option will best help to support Aim 2?

While organisational change seems to have been overlooked in the summaries of the Options, whereas current arrangements have not delivered, Option 1 is not sensible in any event and, at the other extreme, Option 4 provides neither improved mechanisms nor drivers and we cannot (and do not think we are supposed to) take it seriously. We have given our verdict on Option 3's focus solely on EU limits above and while its abandonment of detailed assessments could only undermine the focus of multiple contributors, we think it is short-sighted. If the question then becomes 'Which Option will least *inhibit* Aim 2?', the answer must be Option 2.

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

We agree with Defra's view given in para 48 of the consultation paper: reporting *per se* brings no direct improvement in air quality and current reporting requirements are, by common consent, both unnecessarily burdensome and, arguably, obscure their underlying message in the way results are expressed. In principle, future reporting should be as simple as possible, compatible with the revised monitoring framework and EU obligations, bearing in mind the functions of reports individually and collectively to communicate the state of air quality to local and (inter)national stakeholders in ways both comprehensible and yet scientifically sound.

While there seems little point in requiring elaborate reports from authorities with no exceedances (from whom some regular, simple, though evidence-based, assurance should suffice), there is every point, from both national and local perspectives, in those with exceedances reporting on progress with the implementation of their Action Plans and the results. In our view, Option 2 best reflects that need, though, given the likely pace of change, we might be persuaded that annual reporting was too frequent.

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. Lack of public engagement is reported as one reason why greater progress has not been made. The first step to improving that is better education and that rests on more relevant and accessible information.

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?

It is not clear to us what this question means but while we have noted above the role of local reporting in supplementing and validating the outputs of the national system, we would not suggest that the UK's reports should go beyond what is required by EU law.

12. Do you think the current arrangements for AQMAs should be retained?

It is clear that where exceedances are predicted or found that action to avoid them must follow and it seems equally clear that that action requires some geographical focus relevant to the source and/or receptors. To that extent we think the concept of AQMAs remains useful, and not least in the land use planning context where they highlight the need for special consideration of development. Nevertheless though, they were conceived as vehicles for dealing with local problems and whereas 'one size does not fit all', we have always doubted the sense of 'two-house' AQMAs (which would not seem to justify the process) or, for that matter, 'whole-borough' AQMAs (which inevitably lack focus) and, perhaps, further guidance is needed on what forms they might take.

13. Which option will best help to support Aim 3?

Option 2.

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

Yes, unquestionably, but not only that; action plans would be much more likely to achieve 'buy-in' from others, not least local authority budget-makers, if they are based on a national strategy illustrated by consolidated 'good practice' advice from Defra (and it must have Defra's badge, not that of a contractor, however distinguished). Needing to reflect wider considerations such as climate change and noise, we accept it will not be easy and examples of successful organisational arrangements would be welcome among those of technical good practice too. For ease of access to such advice, we suggest it should not be posted on the .gov.uk website.

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

Again, the CIEH has not collected examples of good practice, nevertheless, we know that Defra is aware of many from its Regional Coordinators meetings over several years. Further examples of successful practice are also known to Defra through meetings of the Industrial Pollution Liaison Committee. If we had to pick an example of good communication which stands out it would be that of 'airAlert' and the other services run by the Sussex AQ Partnership.

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

Bearing in mind what we have written above about consolidated and revised objectives, and the need to do more now than simply 'encourage' joint working between stakeholders, we think that Option 2 is the most likely to improve LAQM, for eliminating unnecessary monitoring and reporting, engaging stakeholders better and bringing greater focus on expected outcomes without losing sight of the detail. Of the others, clearly the *status quo* of Option 1 is not in serious contention; nor is the 'aunt Sally' Option 4; Option 3 has its attractions in minimising further the reporting requirements in favour of a 'stronger interest and reporting on local measures' but quite what that means is not adequately explained and we fear that while it might liberate those authorities with a good track record in LAQM, equally, it could provide the excuse others have been looking for to withdraw further.

Whereas the Department's focus on EU objectives is understandable and, in their pursuit it may argue that local authorities should not 'sweat the small stuff', local air quality *is* for the most-part the sum of the small stuff and, not least in the current climate, and in particular when we are not convinced Defra has cross-government support, we are not prepared to take the risk. We must emphasise again, though, that in order to make progress under any Option, local authorities must retain and apply sufficient expert personnel and other resources; whereas the support given to this function currently varies greatly from district to district, it is an inescapable part of Defra's role to persuade them to do that.

17. Are any of the options and their proposed changes to regulation, guidance and reporting likely to adversely impact on air quality, if so to what extent?

We have touched on this already but to reiterate, Option 1 clearly is not working and while its adoption might not worsen air quality, nor is it likely to improve it. Option 4 would obscure the causes of poor air quality, at the same time removing much accountability for it, and send entirely the wrong signal to local council members looking to cut costs; it could not but adversely affect air quality. Though Option 3 is superficially attractive, the broader circumstances are not favourable for leaving so much to the discretion of local authorities, many of whom are likely, as with the arrangements for public health, to feel disengaged by it and react accordingly.

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?

In our view, were Option 4 to be taken, many local authorities would cease to fund the monitoring and expert personnel needed to support meaningful management of air quality locally and to contribute to the national effort. As has been said, air pollution is largely invisible and is not high on residents' agendas or, hence, those of their local representatives and, willingly or not, their attention is likely to be on more obvious consequences of development. Not least while, in a clear message of encouragement to developers, what support planning guidance once gave has been minimised, the likely consequence is that community concerns will be dismissed as those of 'nimbys' in contests loaded against them by New Homes Bonuses and the like.

Though we hope the Public Health Outcomes Framework will lead to a higher priority for environmental health than many local authorities seem to give it currently, and we support it, what effect the air quality indicator will have is uncertain; since, in the short-term at least, it will be monitored only in some AURN sites, Health & Well-being Boards may not feel they

`own` it, moreover, in at least one county bordering London the Director of Public Health has been excluded (contrary to the Department of Health's intention) from the management team.

It strikes us in addition that the power in the Localism Act to recharge local authorities for the cost of EU fines would, far from providing them with any incentive under this Option, actually be even harder to apply where their express responsibilities were so minimal.

We hope these comments assist.

Yours sincerely

Howard Price
Principal Policy Officer

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Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Tel. 020 7928 6006
Email. info@cieh.org
Web. www.cieh.org