



Department
for Environment
Food & Rural Affairs

Local Air Quality Management

Consultation on options to improve air quality management in England

July 2013

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Executive Summary

1. The impact of air pollution on human health is well established and the European Commission has set health-based limit values which all EU Member States must achieve. Like many other Member States, the UK is having problems meeting these EU air quality standards. In particular we face significant challenges and infraction risk, especially on nitrogen dioxide, and we continue to experience health impacts from particulate matter pollution. This is despite significant reductions achieved from national measures to reduce transport emissions and emissions from other sources.
2. Local authorities have an important part to play in helping us to improve air quality and in working towards EU standards. This includes coordinating local assessment and action; taking air quality into account when undertaking transport functions, ensuring the planning system is deployed to limit deterioration of air quality (or exposure) and where possible to improve air quality and promote the public health benefits of good air quality.
3. Local Air Quality Management (LAQM) has been in place since 1997. It has greatly improved our knowledge of the sources and extent of air pollution, However, LAQM, as originally envisaged, was not intended to deal with the scale of the air quality challenge we face at this time. Many innovative measures have been implemented but it has also been difficult to quantify the impacts and effectiveness of these measures in improving air quality and very few authorities have been able to revoke any Air Quality Management Areas (AQMAs) as a result of their interventions.
4. A particular issue is that LAQM has been directed towards meeting national objectives set out in the Air Quality Strategy and the Air Quality England Regulations rather than EU Air Quality Standards. Moreover local air quality management is very report and diagnosis driven and the level of local reporting can distract resources from air quality improvement. However, given the scale of challenge we face in meeting health based EU limits for air quality it is perhaps more important that local authorities focus their actions on what is needed to achieve these obligations and to reduce the public health impacts of poor air quality.
5. Introducing measures is not easy or straightforward and we recognise the significant challenges and conflicting priorities that many local authorities face. But there are significant health benefits to be gained from achieving our EU obligations and also valuable local environmental and amenity benefits from having better air quality in our towns and cities. There is therefore a need to reinvigorate and refocus local air quality management; to clarify its role alongside other actions to improve air quality; and to highlight what local authorities can do through working together to improve air quality.
6. This first part of this consultation document sets out **4 aims for improving and refocusing local air quality management**. These are:
 - Local action focused on what is necessary to support air quality improvements to benefit public health and to work towards EU air quality standards
 - Local government and other stakeholders are clear on their roles and responsibilities and work together to improve air quality

- Local authorities have simple reporting requirements with less bureaucracy and more time to concentrate on actions to improve air quality and public health
 - Local authorities have access to information about evidence based measures to improve air quality including on transport and communications
7. The second part of this consultation offers **4 options for improving local air quality management** as summarized in table 1.
 8. We want to ensure action is focused on what is necessary to help meet EU air quality standards rather than diagnosis of poor air quality (important as this is for understanding what measures are needed and for evaluation). This needs to involve more focus on action planning and, in particular, strategic use of available transport and other levers to improve air quality. We think this is best achieved by Option 3 in this consultation. That will ensure local authorities and national government are both working towards the same EU obligations using measures that are evidence based and wherever possible quantified.
 9. You are asked to comment on both the aims and the options and also to indicate which option you prefer. **You may also suggest other options for improving local air quality management.** Each section of the consultation document has a number of questions to guide your comments. You may of course make any other comments you wish on the aims and proposed options. In making comments on particular sections please be clear which question you are answering and which section or paragraph number of the document you are commenting upon.
 10. We want to hear from English local authorities at all levels, key delivery partners in air quality, and other interested parties. As air quality is a devolved matter the different approaches explored would apply to England only. Devolved Administrations are separately considering what improvements can be made to the delivery of air quality management in Scotland, Wales or Northern Ireland.
 11. **This is the first stage of a two-stage consultation process. We will consider all comments made and consult separately on any necessary changes to regulations and guidance on air quality standards.**

Table 1 Options for improving Local Air Quality Management

	Title	In Summary
#1	Business As Usual with limited changes	<p>Retain separate local air quality regulations</p> <p>Maintain review and assessment reporting cycle, but remove the need to carry out Further Assessments</p> <p>Review the need for continued assessment and reporting on objectives that have been met</p>
#2	Concentration on Action Planning and focused reporting	<p>All of option 1</p> <p>Change focus from review and assessment to action planning. Through reducing reporting requirements – e.g. annual local air quality report to replace Updating and Screening Assessment (USA Report) cycle but local authorities still assess local air quality on regular basis.</p> <p>Reduced and more focused reporting – e.g. shorter annual local air quality report to replace larger 3 year cycle of reporting and progress reports</p>
#3	Alignment with EU requirements to meet air quality limit values	<p>All of Option 2 plus Local authorities no longer required to carry out detailed assessments or to make/amend AQMAs.</p> <p>consolidate and amend Air Quality (England) and Air Quality Standards Regulations so that local authorities work towards compliance with EU air quality limit values and targets where there is scope for action at the local level</p> <p>No reporting requirements on local hotspots outside of the national assessment of EU air quality standards but a stronger interest and reporting on local measures which help to improve air quality and bring us closer to compliance with EU air quality standards</p> <p>Local authorities would focus on action planning and public health and report on measures taken to improve air quality and these are included in reports to EU on compliance where quantified.</p>
#4	Separate local air quality management duties do not exist	<p>No separate LAQM duties but local authorities would still have to take account of air quality when appraising transport and development proposals and policies</p> <p>Provisions for LAQM in the Environment Act would be repealed along with Air Quality England Regulations.</p> <p>Air Quality Standards Regulations amended as per Option 3</p> <p>No specific duties on local authorities to assess or report on air quality locally – greater reliance on national assessment to judge risks arising from transport and development proposals</p>

Broader Context

The Red Tape Challenge

12. This consultation in part delivers a commitment under the Government's [Red Tape Challenge](#): to ensure that air quality measures focus both nationally and locally on what is necessary to deliver EU obligations.

Red Tape Challenge Proposals for air quality

Air Quality and Industrial Emissions

You told us that air quality legislation should be simplified and that action to improve air quality should be taken by those with relevant powers to address the key issues. You also said that the Clean Air Act is out of date and certain smoke control regulations are no longer needed.

We agree that our air quality legislation needs an overhaul. Over the next year we will review the impact of existing legislation, including the Clean Air Act, and then consult on our findings. We will look to reduce burdens on business and local authorities by:

- Focusing local air quality requirements on those that are essential to ensure compliance with EU targets.
- Reviewing the role and responsibilities of local authorities to help ensure that action is taken by those with relevant powers to address the key issues (e.g. transport emissions).
- Reviewing the role of transport measures in meeting air quality targets, including the consistency in approach across local areas. In taking this forward Defra will work closely with other relevant departments, especially the Department for Transport and Department of Health.
- Reviewing the Clean Air Act and associated regulations to identify which measures are redundant and which can be modernised to help local authorities meet EU air quality targets and help reduce costs for businesses. The first merger of smoke control regulations will come into force in April.
- Consolidating Air Quality Standards Regulations to simplify the regulatory landscape.

<http://www.defra.gov.uk/publications/files/pb13728-red-tape-environment.pdf>

13. The Government's commitment on the Red Tape Challenge aims to eliminate obsolete and inefficient regulation and to tackle inconsistencies in the regulatory system. This review of local air quality management considers the scope to streamline current air quality legislation by merging the Air Quality (England) Regulations 2000 and 2002 (as amended)¹ and the 2010 Air Quality Standards Regulations². If the regulations were to be merged (as proposed in Option 3) we would at the same time review national objectives in the Air Quality Strategy to align these with EU Air Quality Standards. This would mean a single set of Air Quality Standards for the England and a potential reduction in the number of pollutants that local authorities would work in pursuance of.

14. The review also considers the scope to simplify current LAQM assessment and reporting expectations for local authorities. Changes here could help to remove burdens from local authorities and ensure they are reporting only where this is most needed - for example, on action to improve air quality and to achieve EU air quality standards. We would also want to investigate the benefits of sharing with local authorities' relevant information regarding the national assessment of compliance with EU air quality standards as submitted to the European Union, to allow this information to be taken into account as part of action planning.

Clean Air Act

15. A review of the Clean Air Act 1993 (CAA) is also being undertaken under the Red Tape Challenge³. Defra will look to reduce burdens on business and local authorities (LAs). The CAA was developed in the 1950s to address the air quality issues of that time but a modernised CAA could help LAs meet current air quality targets while reducing burdens for business.

16. The CAA provides controls on smoke emission, installation of boilers and furnaces and, chimney heights throughout England, Wales and Scotland (separate legislation applies in Northern Ireland). The CAA also allows LAs to designate Smoke Control Areas which require additional controls including approval of fuels and furnaces which can be used in such areas. The focus of the CAA is domestic and small-scale combustion (for example heating boilers and furnaces) and these activities are increasingly important in national emissions of pollutants – the small combustion sources are key sources (and in some instances the major source) of several pollutants reported under the UN Convention on Long-range Transboundary Air Pollution. For combustion of non-waste fuels, the CAA is applicable up to 20 MW thermal input (the threshold for the Environmental Permitting

¹ The Air Quality (England) Regulations 2000 as amended set out air quality objectives for seven pollutants. Objectives are described as a concentration level in ambient air (micrograms/cubic metre) and an objective date by which the objective should be achieved. Local authorities must work in pursuance of these objectives

² The Air Quality Standards Regulations 2010 transpose the provisions of the Ambient Air Quality Directive and set out limit values, target values and exposure reduction targets for a range of pollutants. The limit values must be attained by particular deadlines set in the Directive.

³ Information available here : <http://www.defra.gov.uk/news/2012/03/19/red-tape-challenge/>

Regulations in England and Wales and equivalent legislation in Scotland and Northern Ireland).

17. The current CAA focuses on smoke (particulate) emissions and removal of controls in Smoke Control Areas has potential for large increases in emissions from domestic solid fuel combustion including significant impacts on national emissions of Benzo(a)pyrene (BaP), PM₁₀ and PM_{2.5} and exceedances of current and future air quality standards for BaP, PM_{2.5} and PM₁₀⁴. The review of the CAA will examine opportunities to remove redundant provisions, modernise provisions which are relevant to modern air quality and streamline application and other processes to reduce burdens on industry. There is a need for liaison between the Air Quality and CAA Red Tape Review work streams to assure provisions do not overlap, are complementary and do not place additional or unnecessary burdens on industry and regulators.

18. A consultation on the review of the CAA will take place separately. See <http://www.defra.gov.uk/industrial-emissions/2012/clean-air-act/> for further details.

European Commission Review of EU air quality policies

19. The Commission announced its review in 2011 and over the last 2 years has held 2 consultations to seek views of stakeholders on issues and options for the review. The review is taking place against a backdrop of widespread non-compliance with the current air policy framework across the EU and strengthening evidence of health damage from air pollution. The review is due to conclude in autumn 2013 with publication of a package of measures including an update to the 2005 Thematic Strategy on air pollution, a proposal to ratify the revised UNECE Gothenburg Protocol and a proposal to amend the National Emissions Ceilings Directive, setting tighter ceilings to be met by 2025 and or 2030.

20. Further EU source control legislation is also being considered. A key priority is to address the current compliance challenges as quickly as possible, working with Member States and regional and local authorities. Given this, proposals to tighten air quality limits in the air quality directive are expected on a longer timeframe. In the meantime therefore, this is a good opportunity to pursue improvements to air quality delivery at the local level, though we will need to bear in mind EU developments.

Air Quality Strategy 2007

21. This is an England-only review. Scotland, Wales and Northern Ireland are conducting similar reviews of their local air quality management arrangements and are consulting separately. This review does not cover the Air Quality Strategy 2007, which is a UK-wide document and is legislated under Part IV of the Environment Act 1995. Not all of the Air Quality Strategy national objectives apply to local authorities. For reasons of practicality, local authorities and other delivery partners may continue to 'have regard' to

⁴ See report to Defra here : <http://www.defra.gov.uk/industrial-emissions/files/20072012-AEA-Report-CAA.pdf>

the objectives and standards in the Strategy (including those not prescribed by EU Directives) to inform policy decisions.

Consultation Document

Part 1: Aims for improving local air quality management

22. This section sets out our aims for the review of local air quality management system. The four aims are to ensure:

- Local action is focused on what is necessary to support air quality improvements to benefit public health and to work towards EU air quality standards [this aim is best delivered by Option - # 3]
- Local government and other stakeholders are clear on their roles and responsibilities and work together to improve air quality [this aim could be delivered by Options # 2 or 3]
- Local authorities have simple reporting requirements with less bureaucracy and more time to concentrate on actions to improve air quality and public health [this aim could be delivered by Options # 2 or 3]
- Local authorities have access to information about evidence based measures to improve air quality including on transport and communications [this aim could be delivered by Options # 2 or 3]

The consultation considers each aim in turn and which options are most likely to help in delivering this aim. Each section has a series of consultation questions for your consideration.

Aim 1: Local action is focused on what is necessary to support air quality improvements to benefit public health and to work towards EU air quality standards.

23. Local authorities currently assess local air quality against national objectives in the Air Quality Strategy (as proscribed in the Air Quality England Regulations). Using this information local authorities determine risks to these objectives locally and where necessary declare air quality management areas and prepare local action plans to improve air quality in consultation with stakeholders. This is called Local Air Quality Management and local authorities carry out these duties following statutory guidance published by Defra.

24. In addition to these local assessments, the UK Government must report annually to the European Commission on compliance with European Air Quality Standards set down in the Ambient Air Quality Directive (2008/50/EC) (the AAQD for short). For this the UK Government carries out an assessment of air quality across the UK. This assessment uses the national Automatic Urban and Rural Network (AURN) of monitoring sites supplemented by modelling which provides an interpolation of the measurement data and an overview of pollutant concentrations across the UK⁵.

25. This assessment must follow requirements laid down in the AAQD. The local air quality management assessment of air quality and the national assessment are undertaken for different purposes. Currently information from the national assessment is not generally used by local authorities to inform the assessment of local air quality or the development of local action plans or measures except where monitoring stations are shared.

26. Inevitably having two systems to assess air quality (one locally derived and to a fine spatial resolution the other nationally and to a coarser resolution) can lead to differences in the understanding of air quality in a particular area. For example when the Government prepared its plans setting out what work was in place or planned to improve air quality in the UK and to meet EU obligations on NO₂, a significant number of exceedances were identified outside locally determined air quality management areas and vice versa. This led to confusion with some local authorities being unclear as to the basis for exceedances identified by the assessment and what action they should take in response to them.

27. Increasingly we want local authorities to focus on what is necessary to work towards EU air quality standards. Having two sets of air quality standards does not help to

⁵ Compliance Assessment Summary: http://uk-air.defra.gov.uk/library/annualreport/air_pollution_uk_2011_Compliance_Assessment_Summary_issue_2.pdf

Technical Modelling Report for Pollution Climate Mapping: http://uk-air.defra.gov.uk/library/reports?report_id=697

present a clear picture of priorities to improve air quality and has contributed to uncertainty and confusion as to expectations of LAQM.

28. One way to reduce any uncertainty or confusion on which standards local and national government are working towards might be to consolidate the national air quality objectives with the EU air quality standards. This is what is proposed in Option 3. Under this option local authorities would not be tasked to review and assess air quality at local level (although they could do that in response to local demand). Rather they would primarily be tasked to put in place an action plan or local strategy to improve air quality taking into account whatever information they had on local air quality including information provided through the national assessment. Guidance could be provided on preparing action plans using this information and on what measures were known to be effective. Local authorities could supplement the national assessment with local information on emission sources and activities so as to target measures effectively. Local authorities would be expected to report to Defra on progress with actions taken but would not be required to assess and report on local air quality outside this.

29. Option 2 would retain national air quality objectives but would align them with the relevant EU air quality standards. Option 2 would also retain arrangements for local assessment of air quality but with emphasis on reporting on action rather than monitoring and assessment. Relevant information on the results of national assessment of air quality for EU compliance purposes would be shared with local authorities and could be taken into account in local measures. Since exceedances identified in the national assessment must be reported to the EU. It would also seem sensible to ensure that local authorities are made aware of these and have the opportunity to take them into account in preparing local action plans. In addition, local information and knowledge on air quality can be very helpful in understanding what measures might be most effective to improve air quality as well as for informing development control and providing local public information. Therefore if we do align or consolidate the national objectives with EU standards we would still want to encourage local authorities to make use of local knowledge on pollution etc to support their own needs and to inform the development of measures to improve air quality.

30. Option 4 would remove local authority duties for air quality management. Local authorities would still have to take account of air quality in planning and development measures and in public health but would not have legal duties. It is possible that local pressure from public health and concerned communities might lead those local authorities with significant pollution issues to take measures to reduce pollution (even in the absence of legal requirements). However this could not be guaranteed and other pressures might lead to worsening environmental impacts.

Simplifying the National Objectives

31. Aligning the national objectives in the UK Air Quality Strategy with EU air quality standards (limit values, targets etc) would provide an opportunity to review those national objectives that are not found in EU standards such as the 15 minute objective for Sulphur Dioxide (SO₂) and the objective for 1, 3 -butadiene. It would also allow us to review the range of EU standards that local authorities are expected to work towards including consideration of their role with respect to PM_{2.5}. The UK's annual objective for 1, 3 – butadiene and short term objective for SO₂ were introduced following the recommendation of the Expert Panel on Air Quality Standards (EPAQS). These additional objectives could be seen as an embellishment of EU requirements as they do not appear in the EU

Directive. No AQMAs have been declared for 1, 3-butadiene since the objective was introduced, but there are currently several air quality management areas declared for the 15 minute objective for SO₂. The Air Quality Strategy 2007 also identified continuing evidence of potential adverse health impacts if the 15 minute SO₂ objective was removed⁶. The differences between national objectives and EU standards are summarised in Annex 1 of this Document. We would be interested in your views on changes to the current set of national objectives and how far we should align them with EU standards. Should we decide that it is appropriate to review the national objectives, this would be proposed in the second stage of this consultative exercise and be supported by an impact assessment as necessary, especially where the health impacts of any decisions needed to be informed.

What role should LAs have for PM_{2.5}?

32. Local authorities currently do not have a direct role with respect to action to reduce emissions or concentrations of PM_{2.5} although action to tackle PM₁₀ would usually contribute to this where measures are pursued. The Ambient Air Quality Directive does however set down air quality standards for PM_{2.5} including an exposure concentration obligation, a target value and a limit value⁷. Moreover public health authorities now have indicators for air quality and public health based on the impact of particulate matter (PM_{2.5}) on mortality.

33. Long-term exposure to PM_{2.5} is generally recognised as having a significant impact on human health. COMEAP has estimated that its effect is equivalent to 29,000 deaths each year. With the recent introduction of the Public Health Outcomes Framework (PHOF) and the transfer of public health responsibilities onto local authorities, those local authorities responsible for Public Health will have need to investigate what measures are available to reduce this pollutant so as to reduce local health burdens. However since most local authorities are compliant with PM₁₀ objectives they might lack clear LAQM drivers to achieve further reductions in PM_{2.5}.

34. Given the significant effect PM_{2.5} pollution can have on health we are considering how best to drive local action to reduce emissions and concentrations in this area. For example information could be provided to local authorities on measures available to reduce emissions over a local authority area and to encourage them to report on improvements planned or achieved. This could be either through tackling their own fleets and services and/or working with communities and businesses to achieve reductions in PM_{2.5}. In this instance they would not be expected to assess PM_{2.5} concentrations locally. An alternative approach might be to place a duty on local authorities to assess PM_{2.5} concentrations in their areas and to put in place action plans as currently done for other pollutants. This approach might entail additional burdens for local authorities to assess

⁶ Air Quality Strategy for England, Scotland Wales and Northern Ireland 2007, Volume 2, page 73, Section 1.3.6.5 Assessment of the UK 15minute Sulphur Dioxide Objective. This concluded that the removal of the 15minute SO₂ objective would provide a net disbenefit of £3m to £41m per annum for the period up to 2015 at 2007 prices.

⁷ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:EN:PDF>

local levels of PM_{2.5} and might not lead to significant differences compared with the other approach.

How might the different options help to achieve this aim?

35. We have identified 4 options for future local air quality management arrangements as described in Part 2 of this consultation. Each option has different potential to deliver the aims we have for LAQM. This first aim is likely to be delivered most effectively by Option 3 which is to bring full alignment of local action with EU standards and what is needed to help meet these standards. This would consolidate regulations for local air quality management with those that implement EU air quality standards, which would meet our Red Tape Challenge commitment. It would also respond to the need to focus local and national action on the challenge we face with air quality standards and help to mitigate our infraction risk more effectively than other options. Option 1 would not change the current arrangements and would retain two sets of standards. Option 2 would help move the focus on to actions to improve air quality but would retain two sets of standards and regulations which might not help to ensure focus on EU air quality standards (although these would be more aligned as described in paragraph 27). Option 4 would not support this aim as it would not provide a clear driver for local action to improve air quality beyond ensuring that planning and development does not make air quality worse.

Q1. What are your views on whether we should consolidate EU and National Air Quality Objectives and how this might best be achieved?

Q2. What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced?

Q3. What contribution can local authorities make in reducing emissions and/or concentrations from PM_{2.5} pollution? Please provide examples, where appropriate.

Q4. Which option will best help to support Aim 1?

Table 2 Examples of measures to reduce emissions from local sources

<p>Mobile Source Measures</p>	<p>On-road diesel engine retrofits for public service and heavy goods vehicles using Euro standards e.g. implemented as a Low Emission Zone</p> <p>Non-road diesel engine retrofit, rebuild/replace with particle filter</p> <p>Diesel idling programmes for HGV, locomotive, and other mobile sources</p> <p>Transportation control measures including transportation demand management and transportation systems management strategies</p> <p>Programmes to reduce emissions or accelerate retirement of high emitting vehicles</p> <p>Emissions testing and repair/maintenance programs for on-road vehicles</p> <p>Emissions testing and repair/maintenance programs for non-road heavy duty vehicles and equipment</p> <p>Programmes to expand use of cleaner burning fuels</p>
<p>Stationary Source Measures</p>	<p>Stationary diesel engine retrofit, rebuild or replacement, with particle filter</p> <p>New or upgraded emission control requirements for direct PM_{2.5} emissions at stationary sources (e.g. fabric filters or 3 stage electrostatic precipitators; improved monitoring methods)</p> <p>New or upgraded emission controls for PM_{2.5} precursors at stationary sources (e.g., wet/dry scrubbers)</p> <p>Energy efficiency measures to reduce fuel consumption</p> <p>Measures to reduce fugitive dust from industrial sites</p>
<p>Area Source Measures</p>	<p>Smoke management programmes to reduce domestic coal use</p> <p>Reduce emissions from woodstoves and fireplaces</p> <p>Regulate commercial cooking operations</p> <p>Further reduce solvent usage or solvent substitution</p>

Aim 2: Local government and other stakeholders are clear on their roles and responsibilities and what they can do to help improve air quality

36. National Government is responsible for EU air quality obligations and for having in place the right arrangements to meet these obligations. However there are many other stakeholders that have an impact on air quality and can help to improve air quality particularly at local level. Therefore it is important that everyone plays their part and that all public authorities appreciate they have an important role to play in supporting actions to improve air quality locally. What happens locally can help or hinder Government's ability to improve air quality nationally and meet EU air quality standards.

37. Government believes that policy works best when decision making is made at the right level. In the case of air quality, many of the measures to tackle pollution hotspots are often best implemented by local authorities who have local knowledge and understanding of air quality and are best placed to take the right decisions on implementation. The Government has taken steps to decentralise decision making and to give local authorities and neighbourhoods the powers to decide upon local priorities and how they should be achieved. This includes decisions on planning, transport and development as well as on local priorities for public health. Decisions in these areas can significantly impact on local air quality or the priority given to it and can potentially influence the UK's ability to meet European air quality standards. There is a need for all players to be clear about their responsibilities in relation to improving air quality or protecting current air quality levels and for them to use the powers they have to support improvements.

38. Reserve powers in the Localism Act allow Government to pass on EU infraction fines to local authorities and public bodies (where they have failed to take action when they could). This highlights the need for roles to be clear.

Local authorities have responsibility for a number of policy measures that can help to reduce local air pollution and improve public health and local amenities, such as:

- enforcing the control of pollution from small industrial and commercial premises and also from domestic sources through the Clean Air Act and other legislation
- introducing local transport measures that encourage the uptake of cleaner vehicle technologies such as low emission zones, bus and freight partnerships
- promoting modal shift measures to increase cycling and walking, bus patronage and traffic reduction
- utilising planning and development control measures which can help to reduce emissions or exposure, as well as improve local environmental quality, noise and nuisance.
- targeting policies that mitigate or adapt to climate change but also impact positively on air quality
- adopting and promoting Green procurement policies

39. There are a number of important players at local, regional and national level that can influence air quality, for example:

- District and Unitary authorities have a direct role to manage local air quality.
- County and Unitary authorities have responsibility for transport and public health and a statutory duty to engage with District authorities in the development of air quality action plans.
- The Highways Agency is responsible for the strategic road network and must work with local authorities where this affects AQMAs.
- The Department for Transport has responsibility for policy on local transport matters and also for the Highways Agency.
- Passenger Transport Authorities have oversight of public transport at regional level in many towns and cities outside London.
- The Environment Agency provides support to local authorities on LAQM where their interests overlap and ensures industrial premises minimise pollution through Pollution Prevention Control and enforcement.
- Defra provides oversight of LAQM and publishes guidance on LAQM. Defra also reports to the EU on compliance with EU limits and works with Other Government Departments on national measures to improve air quality.
- The Department of Communities and Local Government has responsibility for national planning policy and oversight of local government policy

- The Greater London Authority and the Mayor of London are responsible for air quality in the Capital.
- Public Health England to provide advice on the health impacts of poor air quality and other health risks.

Working together to improve air quality

40. Discussions with local authorities and other stakeholders have highlighted that there can sometimes be tensions between stakeholders in achieving air quality delivery locally, especially where there is conflict with other priorities for economic development, transport, planning and so on. It has also been said that differences in responsibilities between different tiers of authorities can mean that district level authorities, who are responsible for air quality, are reliant on other agencies and authorities to take appropriate action, especially in relation to transport matters. This has meant that delivering improvements is made more challenging and the relevant powers available are not used to best effect. We want to ensure that local authorities work together strategically to improve air quality and that those with a key role to play in improving air quality understand their responsibilities and take appropriate action with others to reduce the impacts of poor air quality.

London – a unique challenge

- London's large and growing population, and its status as an international business hub, means that transport-related pollution is especially difficult when compared with other urban areas around the country. LAQM must therefore be fit-for-purpose and flexible enough to meet the particular needs of the Capital.
- London also suffers more than other major UK cities from transboundary pollution, as well as emissions from outside the Capital, the latter accounting for around 40% of PM₁₀ concentrations and a similar proportion of NO₂ concentrations. This makes it harder to identify and control sources of pollution.
- By 2015 the capital is expected to have over half of all roads with NO₂ exceedances and latest projections suggest that full compliance with NO₂ limit values in London may not be achieved until 2025.
- Unlike the rest of the country, air quality control in London is more complex, with duties divided among the Greater London Authority, Transport for London and Central Government, as well as the Boroughs themselves. The Mayor has overall responsibility for air quality, but cross-government support is also necessary to address the Capital's unique problems.

41. Discussions with local authorities and their representatives have highlighted the challenges of working together effectively to improve air quality. In particular we have been told:

- District authorities often feel they own the problem of delivering better air quality but do not control a number of the key areas where improvements can be maximised – e.g. highways, the strategic road network, transport planning, local speed limits etc.
- County Councils are not directly responsible for air quality (though the Environment Act makes clear they have a duty to work with district authorities in developing air quality policy) but have control over key deliverables such as transport, highways and strategic land planning. Therefore, where they can, they should make use of these powers to support improvements.
- Unitary Authorities can experience this split internally as well, with air quality practitioners and transport and planning departments often working against each other's interests because of different priorities or poor communications.

42. This “silo” working is not something that is unique to air quality and the Local Government Association has published guidance on how conflicts of interest could be avoided and working together improved. They make a number of recommendations including:

- Ensure clear and robust governance arrangements are in place (with proper leadership, and accountability) for effective decision-making.
- Allow participants involved in governance the time and opportunity to build relationships to improve trust and commitment between different tiers of authorities and different departments.
- Different tiers or departments wanting to work together should start by identifying an issue that is troubling both of them. Tackling shared problems together will hopefully set a precedent and approach for future engagement.
- Tiers and departments should consider employing experienced project managers to oversee programmes, to facilitate joined up working and provide objective input into discussion – in other words a kind of arbiter.
- Engage and empower staff by giving them the opportunity to take part in projects/programmes and to input their ideas. It's important to promote innovative thinking at all levels.
- Sell the benefits of joined up working by how much the community as a whole will benefit – e.g. provide customer feedback at meetings; encourage stakeholders and members of the public to engage with government process and to share their experiences.

43. Air quality is an issue which can span administrative boundaries. The sources of air pollution can also often originate in different authorities. However, whilst many local authorities in urban areas do cooperate to improve air quality, the current focus on hotspots and local assessment might not encourage the strategic approach needed to tackle many of the air quality problems there are in larger towns and cities. We think greater improvements in air quality can be achieved where local authorities pool expertise and resources and take a strategic area based approach to measures, working with regional transport bodies and other partners as necessary. We do not think we need to

change the current distribution of responsibilities for air quality to achieve this but some improvements could be made to clarify roles and responsibilities. This would be to encourage local authorities to work more closely together to deliver effective local area based strategies to improve air quality rather than focus on hot spots only.

How might the different options help to achieve this aim

44. All options provide a similar level of opportunity with regards to this aim. However having a clear linkage to EU obligations might provide a stronger driver for the different tiers in local government to appreciate their role in delivering air quality improvements and therefore Option 3 might provide a stronger impetus for action compared to Option 1 which would not change from current arrangements and Option 2 which would retain objectives and limit values in separate regulations (albeit aligned to be consistent). Whilst it is the case that there be local public health benefits arising from local action to improve air quality regardless of any legal duties upon local authorities to do so evidence so far suggests that local authorities would be less likely to prioritise air quality without having clear duties for this. Taking this into account Option 4 would therefore not help to improve focus and might even lead to air quality being overlooked as other drivers provide the main impetus (e.g. carbon etc).

Q5. What are your views on how cooperation between different tiers of local authorities can be supported?

Q6. 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?

Q7. Do you think there is a need to review the allocation of responsibility for air quality between District and County authorities?

Q8. Which option will best help to support Aim 2?

Aim 3: Local authorities have simple reporting requirements with less bureaucracy and more time to concentrate on actions to improve air quality and public health

45. Currently Defra publishes statutory guidance which recommends that local authorities carry out a review of local air quality every three years and publish their findings in an Updating and Screening Assessment report (or USA). In intervening years it is recommended that they publish a Progress Report covering changes affecting air quality outside the periodic review and detailing progress with the implementation of action plans where these exist. The extent of reporting is exemplified in the following table, which shows the number of Detailed Assessments, Progress Reports and USAs that have been submitted between Round 1 (2000-2002) and Round 4 (2009-2011) of the Updating and Screening Assessment process, with each round covering a 3-year cycle: The Secretary of State is a statutory consultee to these reports and Defra appraises and provides comments to local authorities on all local air quality management reports and assessments.

Table 3 Statistics for the updating and screening assessment process

Round	USAs	Progress reports	Detailed assessments
4 (2009-2011)	407	638	162
3 (2006-2008)	430	694	263
2 (2003-2005)	413	577	327
1 (2000-2002) ⁸	36	138	420

46. However information in these reports is often not easily accessible to third parties or presented in a way that encourages public engagement or scrutiny. Since LAQM was introduced there have been 5 rounds of updating and screening assessments and the later rounds especially have only made small differences to the number of air quality management areas identified or understanding of local air quality sources/concerns. Arguably the resource used in preparing these reports could perhaps be better focused on developing and implementing measures to improve air quality.

47. Where a USA or Progress Report identifies that air quality objectives are exceeded or might be at risk locally a Detailed Assessment must be carried out before an Air Quality Management Area (AQMA) can be declared. Following the declaration of an AQMA a Further Assessment must also be carried out. Defra research and feedback from local

⁸ Round 1 was the introductory phase of the programme and comprised a desktop study to determine how the 3-year cycle would work in practice.

authorities makes clear that very few authorities see the Further Assessment as helpful for preparing plans to improve air quality and if necessary this assessment could be rolled into the preparation of detailed assessments where these are carried out. Moreover the USA is increasingly only making a marginal difference to our understanding of air quality locally and it is questionable whether it is still necessary to continue with this level of reporting.⁹

48. We think that local authorities should focus their resources on identifying and implementing measures to improve air quality and using their understanding of local air quality to support this. There is scope to simplify the reporting requirements associated with this and to ensure reports prepared are more outward facing and informative to members of the public and local stakeholders.

49. Air quality action planning represents an important part of local authority responsibilities and it is important for them to have a clear plan of what measures they are seeking to implement to improve air quality. It is also necessary for Government to have an understanding of what measures have been implemented, especially where these might be relevant for meeting EU Air Quality Standards. Option 2 in this consultation proposes that Local authorities should focus reporting via a single public “Local Air Quality Report” which could be used to inform local stakeholders about air quality in the local area and what action is being taken to improve air quality as necessary. For those authorities that do not have air quality exceedances this report could be optional. The contents of this report could also contribute to our evidence base of measures taken to improve air quality. Option 3 proposes that local authorities should only report to Defra on the measures taken to improve air quality where these contribute to progress towards EU obligations. Option 3 would therefore place the least burden on reporting whilst still retaining this function where this is necessary to support our EU obligations.

Air Quality Management Areas

50. Currently local authorities normally declare an Air Quality Management Area following a Detailed Assessment, which helps to confirm that an air quality objective has been exceeded or is at risk of being exceeded and how wide an area is affected. The Air Quality Management Area must include the area of the exceedance but need not be restricted to that and could be wider covering for example an adjacent junction or group of houses or even the whole Borough or authority. Having declared an AQMA the authority normally carries out a Further Assessment prior to preparing its action plan which must be done within 12 to 18 months of declaration. In addition to providing the trigger to prepare an action plan, AQMAs are used in planning and development to highlight areas that have high levels of air pollution and therefore might be sensitive for development purposes. It is important that we continue to ensure that local air quality is taken into account in planning and development so that air quality and public exposure is not made worse and opportunities to improve local air quality are taken into account in development and planning. However, are the current arrangements for declaring AQMA the best approach for achieving this or would local authorities benefit from more flexibility? Air Quality Management Areas for example can sometimes focus actions on hotspot areas only and might distract from a more strategic approach to tackling pollution where this is needed.

⁹ Review of Effectiveness of Local Authority Action Plans and Future Policy Options for LAQM Air Quality Consultants and *Aether* Report for Defra, March 2012

How might the different options help to achieve this aim?

51. Reporting requirements are progressively reduced and there is more focus on actions to improve air quality between Options 1, 2 and 3. With Option 1 having effectively little change from currently and Option 3 seeing the most significant changes. Option 4 would remove all reporting requirements. Whilst this would be the least burdensome option it would also mean that national government had no information on the contribution local actions might be making to improving air quality and the quality of national reporting might diminish as a result. It would also remove local authorities' statutory requirements in relation to air quality and it is not clear if local authorities would have sufficient incentive to improve air quality outside that.

Q9. What are your views on the current air quality reporting requirements for local authorities and how they could be simplified?

Q10. 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?

Q11. 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?

Q12. Do you think the current arrangements for AQMAs should be retained or should they be removed and/or local authorities given more flexibility in applying them?

Q13. Which option will best help to support Aim 3?

Aim 4: Local authorities have access to information on evidence based measures to support improvements in air quality including on transport and communications

52. Local air quality management has significantly helped us to understand the detail of air quality problems at local level. Defra has provided extensive guidance and tools to support this so that local authorities are able to produce detailed and comprehensive reports on local air quality. However transforming this detailed understanding into practical and deliverable solutions has always been challenging. It has also been difficult to evaluate the benefits of measures that have been introduced so that lessons can be learnt and that the contribution these measures make to improving air quality appreciated. We want to help local authorities to focus more on effective actions to improve air quality and to move the focus of air quality management from review and assessment to delivery and what is needed to support the delivery. We also want to help local authorities to better quantify the benefits they can obtain from measures implemented (without introducing new burdens)

53. In 2011 Defra published a review of the current guidance that was available on air quality management produced by Defra, local authorities or other stakeholders. This review highlighted.

- Some shortcomings in the current Defra guidance relating mainly to the availability and accessibility of information to support the development of an Action Plan.
- That, the guidance and tools currently available are located within a range of different documents or websites of government departments and other organisations, and this makes them difficult to find and maintain.
- The review recommended that a detailed and regularly updated library that includes all of the guidance and information, which is easy to find on the Defra website, would be of use to local authorities.
- Local authorities would also like to see more real-life examples of the implementation of air quality improvement measures that explains how the measures were established and providing information as to how successful they have been in terms of reducing emissions or improving ambient air quality.
- Finally the review recommended that Defra consider developing measures-based Action Plan tools that would assist local authorities in identifying measures that are appropriate to their specific air quality issues, based on the nature of the emission source. The type of area the local authority is situated within (i.e. metropolitan, urban or rural) and what level of concentration reduction is required to meet the Air Quality Objectives.¹⁰

¹⁰ Mapping Air Quality Action Plan Guidance available to local authorities, Entec, April 2011

Developing an evidence base of local measures to improve air quality

54. Many local authorities have taken innovative approaches to tackling air quality often working in partnership with neighbouring authorities and others and there are many good examples of best practice. We want to enable local authorities to share this best practice with each other and where possible or practical to adopt it. Some local authorities have also developed useful tools for assessing the impacts of measures or planning and development proposals on air quality and we think there is scope to do more with these to promote local action and to help local authorities evaluate what impact their measures might have.

55. It is important that we have a good evidence base of what measures might be most effective in improving air quality and how these could best be implemented. Such an evidence base could provide ready access to information on which measures local authorities are implementing and their continued performance against indicators including any reduction in emissions and concentrations. The transfer of this knowledge would assist in sharing best practice.

56. Strategic measures are being implemented in many local authorities through local transport and planning policies. For example, common mitigation measures considered during the planning of new developments include setting planned development as far from the roadside as appropriate to minimise air quality impacts, limiting car parking spaces and maximising access to sustainable travel. Local authorities might also specify particular requirements in planning and development so as to minimise emissions from new developments. Some local authorities have also incorporated air quality considerations into their procurement policies where contractors' environmental impact, including emissions from vehicles during transport of deliveries, is a procurement evaluation criterion. We want to ensure all local authorities have access to evidence regarding good practice to improve air quality and where necessary work with each other to deliver strong strategic action.

Air Quality Communications and Public Health

57. The public health White Paper **Healthy Lives, Healthy People** proposed that local authorities should play a stronger role in the delivery of public health at local level, including setting objectives and priorities locally. The Public Health Outcomes Framework (PHOF), launched last year, highlights the significant impact air quality has on health and wellbeing and it is important that this is taken into account by local authorities. As discussed earlier, a clearer responsibility for local authorities to reduce exposure to PM_{2.5} might help in delivering local health improvements for the PHOF air pollution indicator.

58. Effective communications are important to support the delivery of air quality measures or to advise local communities about air quality risks and what action they can take to reduce exposure to poor air quality or to reduce emissions. Moreover with air quality now in the PHOF it is all the more important for local authorities to be able to get across the significance of air quality as a public health issue and the need for a concerted and joined up effort to improve air quality and reduce its impacts on the population. Local authorities could, for example, provide information on air quality forecasts through their own websites and information services using either the UK-Air forecasting services or locally generated information.

59. Several local authorities have introduced innovative communications campaigns to support action plans on local air quality and have obtained the support of local political leaders, communities and businesses in these programmes (for example, Care4Air in South Yorkshire, Be Airaware in the North East). Others have introduced public health alert systems that assist those with health conditions to manage their exposure to poor air quality (e.g. AirText and AirAlert). Good communications locally not only helps to inform the population about local health risks from air pollution but also to encourage support and discussion about measures to improve air quality.

How might the different options help to achieve this aim?

60. This aim is not directly affected by the options set out in part 2 and could be introduced alongside the current arrangements. However if we are to achieve a greater focus on the delivery of air quality improvements we do need to move away from the current approach which prioritises reporting on monitoring and assessment over reporting on the delivery of actions.

Q14. Would the availability of information on evidence based measures to improve air quality or reduce exposure help in developing local action plans?

Q15. Do you have examples of good practice on the implementation of measures to improve air quality or to communicate on air quality?

Table 4 Potential Measure to Improve Air Quality

<p>Strategic Measures</p>	<p>A long term strategy to reduce concentrations from transport sources might include:</p> <p>Building capacity to better access and manage the environmental impacts from road transport</p> <p>commitments or targets within local developments and transport planning policy to mitigate the impacts of new developments</p>
<p>Move sources away from the AQMA</p>	<p>The construction of new roads could divert traffic away from the roads in the AQMAs. Less traffic on these roads results in lower pollution levels in the AQMAs. However, the opportunity to build such roads is frequently absent. In cases where such roads can be built, care needs to be exercised that the locations where the new roads are built do not become AQMAs in turn. Note that this option moves emissions from one location to another with no requirement to reduce them. Overall emissions may be increased by such measures.</p> <p>e.g. Pedestrianisation of town centre retail streets is in place to prevent or restrict vehicular access in many towns, but this measure is generally limited to key shopping areas.</p>
<p>Traffic Management – optimisation of traffic movement through the AQMA</p>	<p>Changes in how the roads in the AQMA are signed or otherwise managed may reduce emissions from road transport a) by diverting some traffic onto better routes for them, or b) by reducing congestion/ stationary traffic. Note that the opportunity to take such action is frequently limited.</p> <p>e.g. Urban Traffic Management Control (UTMC) systems are in many urban areas to reduce congestion. Freight Consolidation Centres e.g. at Bristol and Sheffield aim to reduce HGVs movements in urban areas.</p>
<p>Reduce emissions from sources by technical means</p>	<p>The majority of vehicles using roads in the AQMA are conventional petrol or diesel powered vehicles with a range of ages. There are many technical options to convert such vehicles into ones using cleaner engine and fuel technology. By accelerating the uptake of these technologies the emissions in the AQMAs would be reduced. Note that technology does not always work in a positive sense for all emissions. They sometimes trade benefits for one pollutant against negative aspects for another one.</p> <p>e.g. London and Oxford Low emission zones encourages less polluting vehicles, the installation of electric vehicle charging points in many local authorities aims to encourage this technology. Gas fuel vehicles and infrastructure with low emissions has been introduced into Leeds, Greenwich and Sheffield.</p>

<p>Reduce emissions from sources by reducing the demand for travel or achieving better travel choices</p>	<p>An important way to reduce emissions from transport is to reduce the number of journeys made through the AQMA. This could be achieved either through reducing the need to make some journeys, or by ensuring that these journeys are made via a less polluting form of transport. The success of such measures depends on policies that influence how people make travel choices. Note that there is increasing emphasis placed on such policies and that they work holistically by reducing emissions of all pollutants and greenhouse gases.</p> <p>e.g. 77 local authorities have been awarded grants under the Low Sustainable Transport Fund aiming to encourage more sustainable travel options such as walking, cycling and use of public transport</p>
<p>Other</p>	<p>May include a variety of measures e.g. targeting reduced emissions from domestic sources, industry or statutory nuisance.</p>

Part 2: Options for changing local air quality management




















Introduction

61. The first part of this consultation document set out the aims we have for a new approach to local air quality management. This section sets out four different options for achieving these aims. These options are not intended to be exhaustive and there might be other more effective ways of tackling local air quality problems. We would therefore like to hear your views on how well you think these different options or approaches to LAQM might help us to achieve the aims we have set out to have:

- Local action is focused on what is necessary to support air quality improvements to benefit public health and to work towards EU air quality standards.
- Local government and other stakeholders are clear on their roles and responsibilities and what they can do to help improve air quality
- Local authorities have simple reporting requirements with less bureaucracy and more time to concentrate on actions to improve air quality and public health
- Local authorities have access to information on evidence based measures to support improvements in air quality including on transport and communications

62. For each option we have summarised the implications they might have for local assessment and reporting of air quality and for regulations and guidance. We have also set out the possible pros and cons from each option and the extent to which they might help or hinder our efforts to improve the delivery of local air quality management.

63. An Impact assessment for each option under consideration is provided with this consultation document. This only considers the impact of each option in relation to reporting burdens and non monetised benefits from an increasing focus on action to improve air quality. Should we decide to revise regulations and to modify the national objectives a further impact assessment will be prepared for that consultation.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
How well does each option deliver our aims	Aim 1 	Aim 1 	Aim 1 	Aim 1 
 = Strong achievement	Aim 2 	Aim 2 	Aim 2 	Aim 2 
 = Partial achievement	Aim 3 	Aim 3 	Aim 3 	Aim 3 
 = Little/no achievement	Aim 4 	Aim 4 	Aim 4 	Aim 4 
What does each option mean in Summary	Retain separate local air quality regulations Maintain review and assessment reporting cycle, but remove the need for Further Assessments. Review the need for continued assessment and reporting on objectives that have been met.	All of option 1 plus retain separate local air quality regulations Change focus from review and assessment to action planning. Through reducing reporting requirements – e.g. annual local air quality report to replace Updating and Screening Assessment (USA Report) cycle but	All of Option 2 plus consolidate and amend Air Quality (England) and Air Quality Standards Regulations so that local authorities work towards compliance with EU air quality limit values and targets where there is scope for action at the local level Local authorities no longer	No separate LAQM duties but local authorities would still have to take account of air quality when appraising transport and development proposals and policies Provisions for LAQM in the Environment Act would be repealed along with Air Quality England Regulations. Air Quality Standards

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
		<p>local authorities still assess local air quality on regular basis.</p> <p>Reduced and more focused reporting – e.g. shorter annual local air quality report to replace larger 3 year cycle of reporting and progress reports</p>	<p>required to carry out detailed assessments or to make/amend AQMAs.</p> <p>No reporting requirements on local hotspots outside of the national assessment of EU air quality standards but a stronger interest and reporting on local measures which help to improve air quality and bring us closer to compliance with EU air quality standards</p> <p>Local authorities would focus on action planning and public health and report on measures taken to improve air quality and these are included in reports to EU on compliance.</p>	<p>Regulations amended as per Option 3</p> <p>No specific duties on local authorities to assess or report on air quality locally – greater reliance on national assessment to judge risks arising from transport and development proposals</p>

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
Regulations	Minimal changes to remove need for Further Assessment. Separate local air quality regulations remain and national objectives are not consolidated with EU standards.	Moderate changes to review current objectives and remove need for Further Assessment. Separate local air quality regulations remain but number of objectives are reviewed and aligned with EU standards.	Air Quality England Regulations are consolidated with the Air Quality Standards Regulations. EU air quality standards are proscribed as national objectives. Number of objectives applying to LAs is reviewed and reduced to those of most significant concern.	Local authorities are no longer required to review and assess local air quality but must still have regard to EU limits in transport planning and development activities. Part IV of the Environment Act would have to be revoked and the Air Quality Standards Regulations amended as necessary.
Review and assessment reporting	Govt. continues as statutory consultee on LAQM reports. Local authorities continue to prepare USAs, Progress Reports, Detailed Assessments and Gov continues to appraise these.	As Option 1 plus Requirements to prepare USAs and FAs removed, local authorities review air quality as necessary according to local need. Local Air Quality Progress Report updated to become an annual report focusing	No reporting requirements for review and assessment. Local authorities retain statutory duties to review air quality from time to time. Government no longer appraise local air quality	Local authorities no longer required to prepare discrete reports on air quality.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
	Further assessments rolled into Detailed Assessments (or action planning).	on measures. Gov appraise the Annual Local Air Quality Report and action plan but not other reports/assessments.	reports except in relation to measures taken to improve air quality.	
Action Planning and AQMAs	Local authorities continue to declare AQMA where national objectives are at risk of being exceeded. Local authorities must prepare action plans to improve air quality and report on progress with action plans annually. Government continues to appraise action plans and progress reports.	Local authorities continue to prepare action plans taking into account exceedances identified under national assessment. Progress reports focus more on quantification of overall impact of measures implemented and local progress in improving air quality. Quantified information from action plans is fed into reports of national plans and programmes for compliance with EU	No requirement to declare AQMAs (or retain existing ones) but authorities able to identify areas vulnerable to pollution and expected to take action to improve air quality. Air Quality Action plans are informed by the annual national air quality compliance assessment and supplemented by local information. Authorities may take action at hotspots outside the national assessment where there is local	Local authorities not required to prepare bespoke air quality action plans. Local authorities identify areas of concern for air quality through local planning documents. Air quality mitigation would feature in planning and development proposals or transport measures as necessary.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
		standards where available.	concern.	
Guidance (toolkits)	Current guidance reviewed and updated but no substantive changes.	Local Authorities to be provided with improved guidance and information on evidence based best practice and quantification. Information provided on evidence based measures to improve air quality and achieve emission reductions. Guidance to clarify roles and responsibilities in meeting air quality obligations.	Local Authorities to be provided with improved guidance and information on evidence based best practice and quantification Guidance to clarify roles and responsibilities in meeting air quality obligations.	Guidance on how to take account of EU limit values in planning and development proposals may be necessary so that Local Authorities can manage infraction risks from planning proposals.
Implications for Local planning, transport, development	No change to planning requirements or to local transport planning arrangements. LAQM guidance to remain in support of development	Potential for Increased cooperation between air quality and transport professionals – joined up monitoring, reporting and verification.	Potential for Increased cooperation between air quality and transport professionals – joined up monitoring, reporting and verification.	Without local assessments of air quality, local authorities may have to rely more heavily on national assessment to judge risks.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
	control and planning decisions.	No change to planning requirements or local planning arrangements.	No change to planning requirements or local planning arrangements.	No change to planning requirements or local planning arrangements.
Implications for Public Health & Communications	No changes expected Local responsibilities continue. District authorities work with Counties (who lead on public health) to prioritise air quality as a public health issue)	Local Authorities encouraged to carry out awareness raising through focused local air quality reports, and campaigns. Potential for better collaboration with Directors of Public Health in light of Air Quality Indicator in the Public Health Outcomes Framework (PHOF). District authorities work with Counties (who lead on public health) to prioritise air quality as a public health issue.	Potential for better collaboration with Directors of Public Health in light of Air Quality Indicator in the Public Health Outcomes Framework (PHOF). District authorities work with Counties (who lead on public health) to prioritise air quality as a public health issue.	Local air quality prioritised according to local circumstances, using PHOF indicator as guide. Engagement with Directors of Public Health based on local needs rather than Government encouragement.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
Costs and benefits (See the Impact assessment for further information on costs and benefits)	<p>Cost savings from removing need for Further Assessment.</p> <p>Limited cost savings to Defra from reduced appraisal of Further Assessments.</p> <p>Additional benefit to air quality is limited.</p>	<p>As Option 1 plus cost savings from removing need for USAs and introducing more focused local report on air quality.</p> <p>Limited cost savings to Defra from reduced appraisal burden.</p> <p>Resources better focused on delivery of action plan measures.</p> <p>Impact of local action to improve air quality benefits likely to increase compared to Option 1</p>	<p>As Option 2 plus cost savings from no requirement to maintain AQMAs associated reporting.</p> <p>LAs would only report on actions relevant for EU compliance.</p> <p>Resources better focused on delivery of action plan measures.</p> <p>Some savings in central government resources as a result of less prescription and scrutiny – emphasis will shift to action plans.</p> <p>Impact of local action to improve air quality in exceedance areas like to be beneficial compared to Option 1 and similar to Option 2</p>	<p>As Option 3 plus cost savings from no longer having statutory duties on LAQM.</p> <p>Some savings for Defra as no requirement to appraise review reports or action plans.</p> <p>Potentially greater costs for Defra as cannot rely on local actions or local monitoring information</p> <p>Air quality likely to deteriorate in exceedance areas and beyond as statutory drivers to improve air quality are reduced.</p>

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
Pros	No need for re-education of new system; procedures already in place.	<p>Would increase focus on action planning and measures through increasing the availability of tools and best practice guidance.</p> <p>Roles and responsibilities more clearly defined and greater expectation on local authorities to work together to deliver improvements.</p> <p>Measures which might have a significant impact on air quality reporting to the EU would be better quantified</p>	<p>Would meet requirements of the Red Tape Challenge as this option is consistent with reducing regulations.</p> <p>Reporting would be streamlined and focused on measures that help to meet EU requirements.</p> <p>Roles and responsibilities more clearly defined and greater expectation on local authorities to work together to deliver improvements. .</p> <p>Measures which might have a significant impact on air quality reporting to the EU would be better quantified</p>	Would provide cost saving to local authorities as no longer required to carry out LAQM duties.

	Option 1	Option 2	Option 3	Option 4
What does each option mean?	<i>Business As Usual with limited changes</i>	<i>Concentrate on Action Planning and focused reporting</i>	<i>Stronger alignment with EU requirements to meet air quality limit values</i>	<i>Separate LAQM duties do not exist</i>
Cons	Does not meet aims of Red Tape Challenge – reducing burdens on authorities, streamlining legislation.	Only partly meets aims of Red Tape Challenge by reducing administrative burdens but does not reduce regulation. Would still retain dual approach to local objectives and EU Air Quality Standards, thus potential for confusion over priorities.	Reliance on the national assessment might mean less focus on local hotspots and a reduction in local data and knowledge.	Might lead to a significantly reduced action to improve air quality locally as there would be no statutory imperative to do so. Local authorities not encouraged to take action to improve public health and reduce exceedances; poor air quality not targeted and health and environmental impacts persist. Risks to air quality continue to be identified but opportunities to improve air quality are not taken locally.

Questions on Proposed Options

Q16. Which option do you think is most likely to improve local air quality management and why? Do you have an alternative approach?

Q17. Are any of the options and their proposed changes to regulation, guidance and reporting likely to adversely impact on air quality, and if so to what extent?

Q18. 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?

Part 3: Consultation Questions – summary

1	What are your views on whether we should consolidate EU and National Air Quality Objectives and how this might best be achieved?
2	What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced?
3	What contribution can local authorities make in reducing emissions and/or concentrations from PM _{2.5} pollution? Please provide examples, where appropriate.
4	Which option will best help to support Aim 1?
5	What are your views on how cooperation between different tiers of local authorities can be supported?
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?
7	Do you think there is a need to review the allocation of responsibility for air quality between District and County authorities?
8	Which option will best help to support Aim 2?
9	What are your views on the current air quality reporting requirements for local authorities and how they could be simplified?
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?
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?
12	Do you think the current arrangements for AQMAs should be retained or should they be removed and/or local authorities given more flexibility in applying them?
13	Which option will best help to support Aim 3?
14	Would the availability of information on evidence based measures to improve air quality or reduce exposure help in developing local action plans?
15	Do you have examples of good practice on the implementation of measures to improve air quality or to communicate on air quality?
16	Which option do you think is most likely to improve local air quality management and why? Do you have an alternative approach?

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?
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?

Annex 1 Table of Local air quality objectives and EU Air quality standards

Pollutant	Air Quality Objective	LAQM objective (Date to be achieved ¹¹)	EU Target Value (Date to be achieved ¹²)	EU Limit Value (Date to be achieved ¹³)
Benzene	16.25 µg/m ³ running annual mean	31/12/2003	This is not an EU target value	This is not an EU limit value
	5.00 µg/m ³ annual mean	31/12/2010 (added under AQ (England) (Amendment) Regulations 2002)		01/01/2010
1,3 – Butadiene	2.25 µg/m ³ running annual mean	31/12/2003	This is not an EU target value	This is not an EU limit value
Carbon Monoxide	10.0 µg/m ³ - maximum daily running 8-hour mean	31/12/2003		01/01/2005
Lead	0.5 µg/m ² annual mean	31/12/2004		01/01/2005
	0.25 µg/m ³ annual	31/12/2008	This is not an	This is not an

¹¹ Air Quality Objectives are policy targets expressed as maximum ambient concentrations not to be exceeded. Local authorities must work in pursuance of the objectives indicated.

¹² Target values differ from limit values in that they are to be attained where possible by taking all necessary measures not entailing disproportionate costs.

¹³ Limit values are legally binding maximum concentrations which must be met by the limit value deadline and not exceeded thereafter.

Pollutant	Air Quality Objective	LAQM objective (Date to be achieved¹¹)	EU Target Value (Date to be achieved¹²)	EU Limit Value (Date to be achieved¹³)
	mean		EU target value	EU limit value
Nitrogen Dioxide (NO ₂)	200 µg/m ³ (not to be exceeded more than 18 times a year – 1 hour mean)	31/12/2005		01/01/2010
	40 µg/m ³ annual mean	31/12/2005		01/01/2010
Particles (PM ₁₀)	50 µg/m ³ not to be exceeded more than 35 times a year – 24 hour mean	31/12/2004		01/01/2005
	40 µg/m ³ annual mean	31/12/2004		01/01/2005
Sulphur Dioxide	350 µg/m ³ not to be exceeded more than 24 times a year – 1 hour mean	31/12/2004		01/01/2005
	125 µg/m ³ not to be exceeded more than 3 times a year – 24 hour mean	31/12/2004		01/01/2005
	266 µg/m ³ not to be exceeded more than 35 times a year – 15 minute mean	31/12/2005	This is not an EU target value	This is not an EU limit value

Pollutant	Air Quality Objective	LAQM objective (Date to be achieved¹¹)	EU Target Value (Date to be achieved¹²)	EU Limit Value (Date to be achieved¹³)
Carbon Monoxide (CO)	10 µg/m ³ – maximum daily 8 hour mean	31/12/2003		01/01/2005
Polycyclic Aromatic Hydrocarbons (PAHs)	0.25 ng/m ³ – annual average	Not currently a requirement under LAQM	31/12/2012 (target of 1ng/m ³)	
Ozone	100 µg/m ³ not to be exceeded more than 10 times per year – 8 hour mean	Not currently a requirement under LAQM	31/12/2010 (target of 120 µg/m ³ not to be exceeded more than 25 times a year – averaged over 3 years)	
PM _{2.5}	25 µg/m ³ – annual mean	Not currently a requirement under LAQM	2010	
	25 µg/m ³ – annual mean	Not currently a requirement under LAQM		2015
	20 µg/m ³ exposure concentration obligation over 3 year average	Not currently a requirement under LAQM	Binding from 2015	
	20 µg/m ³ (subject to review in 2013)	Not currently a requirement under LAQM		2020
	National Exposure Reduction Target (NERT) – average concentration over 2009/10/11	Not currently a requirement under LAQM	2020	

