

Response ID ANON-WH3G-MBXZ-T

Submitted to Consultation on the review of the Local Air Quality Management Policy Guidance

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Introduction

10 What is your name?

Name:

[REDACTED]

11 What is your email address?

Email:

[REDACTED]

12 Which best describes you?

Local Government

If you answered 'Other', please provide details:

13 Would you like your response to be confidential?

No

If you answered 'Yes', please provide your reason:

Chapter 1 - Introduction of legal changes to LAQM via the Environment Act 2021 Chapter 2 - Local Air Quality Management Process

14 Do you agree or disagree that authorities who do not need to declare an Air Quality Management Area should be required to produce a local Air Quality Strategy to aid the prevention of future air quality issues and reduce the long-term adverse health impacts associated with exposure to air pollution?

Somewhat agree

15 Do you agree or disagree with the introduction of the new reminder and warning letters for local authority air quality reports?

Somewhat agree

Chapter 3 - Local Air Quality Management Roles and Responsibilities

16 Would you agree or disagree that requiring Directors of Public Health to approve Air Quality Action Plans would increase Public Health engagement in local air quality management?

Somewhat agree

Chapter 4 - Air Quality Management Areas

17 How long should local authorities be given to collect additional monitoring or modelling evidence of an exceedance before declaring an Air Quality Management Area?

13 - 18 months

Chapter 5 - Air Quality Action Plans

18 How long do you think local authorities should be given to produce their Air Quality Action Plans post Air Quality Management Area designation?

13 - 18 months

19 Do you agree or disagree that in the future online Air Quality Action Plans, which can be kept up to date, should be made available to the public?

Strongly agree

20 If you have any further comments on the overall LAQM process, please add these here.

Comments on overall LAQM process:

Q5 - We agree that Local authorities should consider prevention and reduction of polluting activities regardless of whether there have been exceedances. As particulate matter is a non-threshold pollutant and nitrogen dioxide can affect people's health below the objective level, it is important to ensure that authorities have the framework and drivers to enable them to take steps to prevent and reduce emissions, and currently there are no drivers for authorities without AQMAs to, for example, invest/promote low emission housing and heating.

We welcome the proposal that the format and structure of local Air Quality Strategies can be more flexible than Air Quality Action Plans. Mindful that there is a risk and cost to any local authority of having multiple strategies with overlapping objectives we'd suggest that demonstrating a strategic approach (with clear associated actions) to improving air quality which forms part of a wider environmental and /or public health strategies should be an acceptable approach.

Our main concern is around noting that there could be additional resource required to give this impetus and that will need to be balanced with other pressing Public Health concerns and relative priorities which should be determined locally.

Q6 - We are not sighted on the extent of non-reporting nationally and therefore have no view on whether this proposed reminder/ warning regime is proportionate or somewhat over-blown. A simpler system could escalate concern about an overdue report to the Responsible Director or Chief Executive without the need for intermediate steps.

Q7 The Director of Public Health (DPH) is in many respects potentially ideally placed to link practical action to improve air quality locally with data around health impacts provided through Integrated Care Systems (ICSs) being partnerships of organisations that come together to plan and deliver joined up health and care services, and to improve the lives of people who live and work in their area. (42 ICSs are being established on a statutory basis across England under new duties in the Health and Care Act 2022).

Our concern is that, particularly in two tier areas, the DPH, at top tier level, will be asked to sign off AQAP documentation primarily produced by district and borough councils which sit under difference governance structures. This could prove to be an issue if a dispute arose around any aspect of a Plan. The risk of this could be much reduced by ensuring effective joint governance arrangements are in place covering. However formal arrangements have appreciable resource implications whereas voluntary arrangements risk gaps and inequality of contribution.

It may be more appropriate – albeit less robust - for the DPH to have a duty to comment on AQAPs rather than “sign off”.

Q8 - It should be noted that there will need to be an internal governance / engagement mechanism as well as time needed to arrange monitoring etc. Guidance should recommend that responsible authorities should put the appropriate delegations in place to make such declarations without undue delay due to governance.

Q9 - Noting our response to Q7 above around the role of the DPH, there could be scope for disagreement around some aspect of the plan which could, in the absence of clear joint governance arrangements, cause delay.

General - The consultation raises some important questions around the concept of air quality partners and the role of local partnerships. However, the practical outworking of such arrangements is not explored in the consultation questions.

We consider there is a gap here around defining the role of the County Council in two tier areas which is alluded to in the document but not really covered in the consultation questions.

We agree with the premise that local air quality benefits from a coordinated, strategic approach to improve air quality across regions and that regional voluntary co-operation and coordination should continue to be encouraged within local government to help drive improvements in local air quality, wherever it makes sense to do so.

We also note that improvement of air quality objectives overlap with many other issues particularly around public health, development control, strategic local planning, active travel, climate emissions and biodiversity. There needs to be strategic coordination across disciplines as well as across geographical boundaries in relation to AQM.

There is a disconnect between the planning process and air quality. Local guidance is developed to bridge this gap and aid both local government and developers. However this can vary widely from one area to another. This causes friction between the local authority and developers due to the lack of clear and unambiguous guidelines nationally. Developing these should be seen as a priority but is not covered within the proposals.

We welcome that that the consultation contains proposals for a more formal role for DPHs and Air Quality Partners. However, without clear future guidance on what is expected from each stakeholder, and a clear policy steer around many of the areas mention above there is increased potential for delay, disagreement and inequality of priority given and relative contributions from partners.

Nevertheless we do see this risk being partially mitigated through transparent reporting arrangements which highlight roles and responsibilities and cross reference to wider strategic objectives

Chapter 6 – Consultation and Community Engagement

21 What do you think of the air quality information that is currently available to the public?

Neither good nor poor

22 What improvements do you think could be made to air quality communication?

Improvements to air quality communication:

The UK air website is very poor and almost impossible to navigate. It is overly scientific and not fit for public use.

Websites need to contain clear information and importantly suggest what action individuals can take to limit exposure, or signpost them to other sites with this information. This should apply to local and national websites being used to host information or data.

Having said this we feel that locally, Sussex Air do provide accessible information around local monitoring results

23 What barriers or facilitators do you feel there are to local authorities carrying out effective community engagement on air quality issues?

Barriers and facilitators to local authority community engagement on air quality issues:

A communications toolkit could help standardise messaging based on good practice exemplars which highlight what is known to work particularly in relation to those most impacted by poor air quality.

It is important to highlight the differences between national objectives and WHO guidelines. This consultation itself makes reference to no safe levels of PM2.5 yet there is a separate consultation seeking views on a 10ug/m³ limit. This mixed messaging simply adds to public confusion.

Similarly the definition of "poor" air quality in the context of the Clean Air Strategy 2019 does not provide clarity: The concept of 'compliance with national objectives' is at odds with the premise that there are no safe levels of PM2.5

Chapter 7 - Air Quality Inequality

24 Do you agree or disagree that local authorities should take further targeted measures where areas of both high pollution and high deprivation persist?

Strongly agree

25 Though consideration of indoor air quality is not a statutory duty for local authorities, do you think inclusion of information on this topic within the guidance is helpful?

Helpful

26 If you have any further comments on air quality disparities or the inclusion of information on indoor air quality, please add these here

Any further comments on air quality inequalities or on the inclusion of indoor air quality:

Q15 - Unequivocally yes: Poor air quality often occurs in areas of deprivation - e.g. areas close to main roads often with lower cost or social housing, which are often linked with other health stressors. This would also facilitate closer working with Public Health. There is also an opportunity to co-ordinate action through the Integrated Care Systems (ICSs) process led by the NHS.

Chapter 8 - PM2.5

27 What actions do you think local authorities could take to help reduce PM2.5 concentrations?

Actions local authorities could take to help reduce PM2.5 concentrations:

We consider a long term view needs to be taken, particularly given the climate imperative. The major sources of PM2.5 include wood burning and vehicular pollutants of the type generated by tyre wear and braking rather than via ICE tailpipe emissions. In this respect electrification of mobility is not the solution.

National Policies around promoting active travel and reducing car dependencies will support this objective. However the biggest long term gains will come through better insulation standards for homes which will reduce the need for heating of all types, particularly substitution of conventional gas heating for wood burning as a means to reduce household fuel bills

Local initiatives such as highlighting ways to minimise generation of smoke from woodburners and declaration of SCAs may make marginal differences but the issue needs to be tackled at a more fundamental level which would have other health and wellbeing benefits in relation to general health and avoiding fuel poverty.

Chapter 9 - Transport

Chapter 10 - Non-Transport Nitrogen Oxides (NOx) and other sources

28 Though consideration of ammonia is not a statutory duty for local authorities do you think inclusion of information on this pollutant, (particularly as a precursor to PM2.5) within the guidance is helpful?

Helpful

Chapter 11 – Planning and Building Regulations

29 Are there any barriers to getting an Air Quality Supplementary Planning Document in place locally, and if so what are they?

Barriers to air quality supplementary planning document:

Sussex-air has developed it's own Planning Guidance document for air quality - 'Air Quality and Emissions Mitigation Guidance for Sussex (2021)'. ("The Sussex Guidance") This is signposted in most Sussex authorities' planning policies.

The need for a SPD has been raised by various partners, but up until now it hasn't been supported locally. It has been argued that any changes to an SPD would need to undergo a public consultation and, as the Sussex Guidance undergoes regular updates to ensure it is useful, that would require the Authority to hold annual public consultations.

There is a strong case for national policy and guidance which supports local planning policy, development control and air quality along with associated impacts on climate change, health and sustainability. This would assist both local authorities and developers as it would make it clear from the design stage what is required, removing the ambiguity that can often arise

Chapter 12 – Air Quality and Climate Change

30 What are the barriers to local authority air quality and climate change officers working together, if any?

Barriers to air quality and climate change officers working together:

It is important to recognise that these are aspects of same coin: there are no real barriers other than the time and priority constraints that officers in these areas work under.

West Sussex has a (two tier) elected member level Joint Climate Change Board which also picks up oversight of Local Air Quality and Waste management issues. This is important as these disciplines both involve the two tiers having different but complementary duties and influence in these areas. The Board has no decision-making powers but promotes strategic awareness and the need to work together.

Chapter 13 – Government Support for Local Authorities

31 Do you think that local authorities should be compliant with their Local Air Quality Management statutory duties to be able to apply for Government grant funding on air quality?

Yes

If your answer to the above is no, please explain why?:

32 Do you think local authorities should provide outcome summaries for grant funded projects on the Air Quality Hub to support building capacity?

Yes

If your answer to the above is no, please explain why?:

33 Do you think local authority air quality data should be shared with the public through the Local Air Quality Management dashboard?

Yes

If your answer to the above is no, please explain why?:

Yes. Sussex Authorities already do this via www.sussex-air.net

34 Do you have any further comments on the proposed changes to the Local Air Quality Management guidance?

Any further comments on changes to the Local Air Quality Management Guidance: