

TONBRIDGE & MALLING BOROUGH COUNCIL

HOUSING and ENVIRONMENT SERVICES ADVISORY BOARD

22 February 2016

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LOCAL AIR QUALITY REGIME CONSULTATION

Summary

This report summarises a response to the last part of a three stage consultation by DEFRA on the review of the Local Air Quality Management (LAQM) regime.

1.1 Background

1.1.1 As I reported to previous Board meetings in May 2014 and March 2015, DEFRA instigated a three stage consultation process on a review of the LAQM regime which started in autumn 2013.

1.1.2 The review was originally undertaken in part to address proposals under the Government's Red Tape Challenge to reduce burdens on businesses and local authorities and in part to ensure that the LAQM system is targeted at helping local authorities to take action on the ground to address local and national air quality issues.

1.2 Consultation Proposals

1.2.1 The third consultation document invites views on Government measures to improve LAQM delivery in England, Scotland, Wales and Northern Ireland. The measures have been developed to include the input DEFRA received following the 2014 LAQM consultation.

1.2.2 The consultation document includes the following proposed seven changes to the LAQM framework:

- i. The production of an Annual Status Report (ASR) including a public facing executive summary – to streamline the Local Authority (LA) reporting burden and make better use of resources.
- ii. Option for fast-tracking Air Quality Management Areas (AQMA) declaration – to cut down delays on declaring AQMA and implementing subsequent actions.

- iii. Action Plan Template – under the streamlining objective - a template for Action Plans to help reduce the burden on LAs in filling out information and ensure greater consistency across LAs but with flexibility for additional sections, if required.
 - iv. Removal of LA requirement to report on 4 pollutants which are now under control: Benzene, 1.3 Butadiene, Carbon monoxide and Lead.
 - v. PM_{2.5} role for local authorities – to improve public health.
 - vi. Clarification of roles and responsibilities – to improve accountability and responsibility for air quality control within local government.
 - vii. Updating/improving policy and technical guidance (2009) – to update or remove out of date policies.
- 1.2.3 The consultation then poses nine questions about the seven proposals to which DEFRA are seeking a response.
- 1.2.4 The nine questions posed by DEFRA and our responses are detailed in **[Annex 1]**.
- 1.2.5 An Impact Assessment (IA) was also published with the Consultation document stating that the objective and intended effect is to transform local air quality management so that local authorities focus more on actions to improve air quality problems and to achieve better public health and environmental outcomes. This entails, amongst other things, clarifying roles and responsibilities for action; aligning new public health outcomes by encouraging LAs to reduce PM_{2.5} concentrations, reducing reporting burdens and providing local authorities with access to evidence on best practice measures to improve air quality.

1.3 Legal Implications

- 1.3.1 The removal of the four pollutants will have no legal implications for TMBC.
- 1.3.2 The proposals do not impose additional statutory duties on local authorities to achieve an objective for PM_{2.5}

1.4 Financial and Value for Money Considerations

- 1.4.1 There are currently no financial implications on responding to the consultation.

1.5 Risk Assessment

- 1.5.1 There are ambiguities in the proposed revised Technical Guidance (TG16) which will require clarification as highlighted in our consultation response.

1.6 Equality Impact Assessment

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

- 1.7.1 Members are asked to **ENDORSE** the comments officers have submitted to DEFRA in response to the third stage consultation on the LAQM regime.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

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