

The nine questions posed by DEFRA in the most recent LAQM consultation are:

Question 1:

Does the Annual Status Report (ASR) template strike the right balance between streamlining and robustness of evidence? What else would you like to see covered or removed for the ASR template?

Officers feel that the information required for the ASR indicates it will become equivalent to an annual Updating and Screening Assessment (USA) – currently only required every 3 years. It is felt the ASR has the potential to become a massive unwieldy document with extensive Appendices (almost doubling (or more) the size of the document itself).

The template doesn't seem to include a section to keep an eye on/monitor for significant changes on road networks or the 'creeping background' scenario.

Question 2:

Does the ASR executive summary provide sufficient information in a format to keep the public informed of air quality progress and issues within a local authority area? What else would you like to see covered or removed?

Officers believe the idea for a new public facing element of the ASR to be very good, especially the 'how you can help' element. Care needs to be exercised that the section doesn't become too wordy or long to ensure the public's interest is not lost.

Question 3:

Do you support the idea of fast-track AQMAs declaration?

No.

Officers think that the proposed idea of fast track AQMA declaration conflicts with the current regime.

The proposed approach is based on the concept that it is expected that many local authorities will be able to determine a suitable AQMA boundary with "reasonable certainty" based on their previous experience, if they already have declared other AQMAs, even without any detailed modelling. This favours the administrative route of declaring AQMAs rather than evidenced based declarations, which is the route that TMBC follows.

With the new focus on administrative style declarations, officers fear an incompatibility emerging with the Planning system and AQMAs declared by other LAs.

Officers feel that in reality realignment will invariably require some form of modelling assessment. This is in fact acknowledged throughout the proposed technical guidance (TG16) which also states the need for a LA to submit supporting information in its next ASR (England).

Question 4:

Do you support the introduction of an AQAP template? If yes, what else would you like added or removed?

Officers like the idea of the introduction of an AQAP (Air Quality Action Plan) template, if it is optional.

The proposed template doesn't allow for in-depth focus on addressing issues within the AQMAs i.e. acknowledging their individual characteristics that may require more targeted actions.

The proposed template has several sections before the actual actions are detailed. It is feared that the public/readers may lose interest before they reach details of the Council's actions and see what is actually being done to address the problem.

Question 5:

Is the guidance clear that LAs are not required to review and assess these four pollutants unless they are aware of any potential new issues in their locality?

Yes.

Question 6:

Do the revised policy and technical guidance documents provide local authorities with a framework to help them to address PM2.5 pollution in their local area?

The revised documents state that the role for LA's to address PM2.5 pollution is 'voluntary'; however in many places it shifts the onus of responsibility for PM2.5 from DEFRA to the LA regardless of a lack of statutory status.

Whilst we will continue to pursue action to reduce air pollution (which incorporates PM2.5) the new shift of responsibility also highlights monitoring. Again it is acknowledged that this is voluntary, but the guidance appears to be written to imply that lack of PM2.5 monitoring will always be seen as LAs avoiding their public health responsibilities by not doing so. Officers would argue that resources focused upon tackling air pollution through actions would be of much greater advantage than simply monitoring levels. The resource implications for undertaking PM2.5 monitoring are large and technically problematic. However it is acknowledged that the impact LA's actions will have upon tackling PM2.5 will always require substantial resource for limited emissions reduction, due to the sources of the pollutant.

Question 7:**Does the updated Policy Guidance achieve its aim of clarifying the roles and responsibilities of District and County Councils?**

The updated Policy Guidance clarifies the roles and responsibilities of the District Councils (DCs) and County Councils (CCs), however it does not address the fundamental issue that the role of the CC can still be described as 'voluntary'.

The statutory AQ duty placed on a CC has moved from that they 'may make recommendations to a district council with respect to the carrying out...' to the 'Secretary of State expects CCs to actively engage' at all stages of Review and Assessment and Action Planning'.

Any responsible CC officer would engage with an LA under this duty to co-operate. However, the way it currently stands, this appears to be an optional duty and likely only to be facilitated through cooperative individuals.

The new guidance puts forward the option for CCs to charge DCs for the provision of information but hopes that no charges will be made under the 'spirit of cooperation and working together'. In our situation, to date, no monies have been paid by either the DC or the CC for the provision of information but, with both tiers facing financial cutbacks, that situation may have to change if the new provision is retained. Officers feel that as there are obligations for both tiers in respect of air quality, would it not be prudent to exclude the provision in the interest of securing air quality improvements.

Question 8:**Do you have any further comments about the revisions to the technical or policy guidance that have not been covered elsewhere in this consultation?**

Officers made 48 further technical comments about the revisions to the guidance documents.

Question 9:**Do you have any further information/views on costs and benefits related to the proposals in this consultation?**

Yes.

As stated in our response to Question 1, the information required for the ASR is very similar to that currently required by the USA, thus indicating that the reporting regime is moving towards the equivalent of an annual USA. The cost of producing an annual ASR/USA will have greater cost implications for LAs than the current regime, not only in money, but also time. Although the requirement to produce a Detailed Assessment (DA), prior to declaring an AQMA, has been removed, the modelling requirements have not, which have a cost implication. It was hoped that this review would reduce the reporting burden, not apparently increase it.

The proposed requirement for LAs to consult on their ASRs will also impact adversely on officer time and is likely to delay submission of reports to DEFRA. Time spent on consulting will mean less time to be spent on developing and implementing actions to improve the local AQ.

If authorities choose to charge for the provision of AQ information, this will be an additional financial burden on the production of the ASR.

The addition of PM2.5 monitoring is not something LAs will be able to easily afford, if at all. As stated in question 9, although monitoring is said to be voluntary, this does not appear to fit with the implied shift of responsibility for PM2.5 from DEFRA to the LA (regardless of a lack of statutory status) contained within the new documents.