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## **Consultation on proposals to improve local air quality management (LAQM) in England**

To whom it may concern,

### **Introduction**

We are writing in response to your consultation on ‘proposals to improve local air quality management in England’.

Air pollution is an invisible public health crisis which urgently needs to be tackled. In many areas in the UK air pollution is above the EU safe limits. Annual UK deaths attributable to NO<sub>2</sub> and PM are estimated at around 55,000,<sup>1</sup> of which 29,000 are due to PM<sub>2.5</sub>.<sup>2</sup>

The UK has one of the worst records of all EU Member States on NO<sub>2</sub> emissions. The Supreme Court has declared that the UK Government is failing to protect people from dangerous levels of air pollution, yet the UK Government continues to lobby at EU level to avoid possible infringement action from the Commission.<sup>3</sup> This is a shameful approach to a problem which is causing significant human suffering and demonstrates that the Government is not serious about tackling this public health crisis.

There is an urgent need to rethink current practice on air quality in this country to ensure that we can meet the legal air quality standards set by the EU. We do not believe that the proposal put forward in this consultation is an appropriate solution. We believe Defra’s recommendations will result in the inevitable reduction of local air quality monitoring, assessment and reporting, which could have a devastating impact on our ability to successfully tackle air pollution.

We urge the Government to re-think its approach entirely. The Government’s approach should seek to improve and strengthen the current local air quality management system, rather than undermine it. Improved air quality will lead to significant benefits for public health and the environment, and consequently the UK economy.

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<sup>1</sup> <http://cleanair.london/sources/mayor-publishes-health-study-revealing-deaths-attributable-to-no2/>

<sup>2</sup> <http://www.jeanlambertmep.org.uk/wp-content/uploads/2014/04/Pollutionweb7.pdf>

<sup>3</sup> <http://www.keithtaylormep.org.uk/2013/05/01/supreme-court-slams-government-on-air-pollution/>

## Streamlining of report requirements

One of the proposals put forward by Defra on Local Air Quality Management (LAQM) is to streamline reporting requirements so that Local Authorities (LAs) would be required to provide an annual ‘status’ progress report. This would replace current requirements to produce ‘Updating and screening assessments’; ‘Progress reports’; ‘Detailed assessments’; or ‘Action plan progress reports’ on local air quality.

Fortunately, in reviewing responses to the 2013 consultation, Defra has recognised the widespread opposition to scrapping Air Quality Management Areas (AQMAs) and has responded by retaining two administrative arrangements that it originally proposed to remove, i.e.:

- the statutory requirement on LAs to review air quality in their areas as per the Environment Act 1995 and to ‘work towards’ EU limit values.
- the duty on local authorities to declare AQMAs in areas where a pollutant objective is (or is projected to be) in exceedance, and prepare an Air Quality Action Plan (AQAP) for these areas setting out how they intend to mitigate the problem.

Defra makes a strong headline claim that the current consultation is “**not** recommending any outcome that would see a reduction in the monitoring of NO<sub>2</sub> or PM”<sup>4</sup>, but that the “objective and intended effect is to transform local air quality management or LAQM so that local authorities focus more on actions to improve air quality and to achieve better public health and environmental outcomes rather than on the monitoring and reporting process”.<sup>5</sup>

It is difficult to see how the ‘focus’ on monitoring could be reduced without reducing monitoring itself. By scrapping reporting requirements, regulations and/or statutory guidance on local air quality, Defra removes the duty of LAs to carry out LAQM, which will inevitably lead to its reduction. In fact monitoring and reporting are essential for the development and delivery of effective action to improve air quality. Reducing these key elements amounts to a serious weakening of the UK's air quality regime and will make it less likely for the UK to meet EU air quality standards and legal obligations.

Defra’s own impact assessment shows that the proposals could see LAQM slashed by 75% and spending on air quality reporting by 60%.<sup>6</sup> This is the same approach Defra took for the 2013 consultation that provoked over 18,000 campaign emails and 232 substantive responses, many of which object to a reduction in LAQM.<sup>7</sup>

Defra suggests that instead of local monitoring sites, LAs should make use of Defra’s national monitoring network. This would mean the scrapping of thousands of local monitoring sites, and assumes that the national structures in place are sufficiently robust to replace local monitoring.

However, there are many AQMAs that have not been identified within the national assessment – there are only 137 monitors across England, few of which measure two or more of NO<sub>2</sub>, PM<sub>2.5</sub> and PM<sub>10</sub>.<sup>8</sup> This is no substitution for the 2,500 monitoring devices run by local authorities that are

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<sup>4</sup> <https://consult.defra.gov.uk/communications/laqm-review-next-steps/>

<sup>5</sup> P.1 [https://consult.defra.gov.uk/communications/laqm-review-next-steps/supporting\\_documents/LAQM%20Impact%20Assessment\\_final.pdf](https://consult.defra.gov.uk/communications/laqm-review-next-steps/supporting_documents/LAQM%20Impact%20Assessment_final.pdf)

<sup>6</sup> <http://www.biofuelwatch.org.uk/2015/defra-alert/>

<sup>7</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/265819/laqm-sum-resp-20131213.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/265819/laqm-sum-resp-20131213.pdf)

<sup>8</sup> <http://cleanair.london/legal/defra-condemned-for-proposals-scrapping-local-air-pollution-monitoring/>

currently in place. Defra itself admits that local air quality hotspots outside the national assessment that might otherwise have been taken into account by LAs might get overlooked and lead to some [unquantified] health impacts.

The level of detail in local air quality assessments is not replicated in the national assessment which does not, and realistically cannot, identify all local areas of high pollution. The closure of a large number of air quality monitoring stations will therefore lead to the loss of very valuable data.

Furthermore, it is our view that the Government's monitoring, assessment and reporting of air pollution, and the issuing of public warnings related to dangerous air pollution levels, is limited, unreliable and untrustworthy.

If LAQM were reduced, and reliance was placed solely on those exceedance areas identified in the national assessment, this would have catastrophic impacts on public health, including through increased costs to the NHS and the UK economy from illness and premature death.

### *Importance of LAQM*

Retention of LAQM is important not only in terms of defining the scale of the local air quality problems, it is also essential for local accountability, to demonstrate compliance with the health based targets and to provide an assessment of the effectiveness of actions to improve air quality. The data is also used to support public information systems such as the London Air Quality Network.

Defra admits that past studies of LAQM have concluded that LAs have been very effective at diagnosing air quality hotspots e.g. Brixton Road, Oxford Street and Upper Thames Street in London and Rupert Street in Bristol. Knowledge of such hotspots is valuable for addressing inequalities and together with other LA sites provides a wealth of information for LAs and local people. LAs have developed this expertise over a decade by building up a large network of monitoring sites for NO<sub>x</sub>, PM<sub>10</sub> and NO<sub>2</sub>.<sup>9</sup>

Furthermore, LAQM plays an important role in the planning system as a valuable means of assessing proposed developments for their air pollution impacts. The National Planning Policy Framework emphasises the importance of taking existing or likely breaches of air quality standards into account when assessing new planning applications. The recent Environmental Audit Committee's Air Quality report calls for stronger measures to protect clean air and public health through the planning system.<sup>10</sup>

The removal of local authority responsibilities in this area could therefore have a devastating impact on the ability to identify and act on local air quality problems. Without the data to show where levels are being breached, effective action cannot be taken to address it, and there will be no incentive to take such actions. And without sufficient monitoring, there will be no indication of the progress made. There is therefore a need for LAs to assess local air quality.

### **Local Authorities and PM2.5**

Defra claims to encourage LAs to take more action to reduce PM<sub>2.5</sub> emissions, which are especially harmful to human health, yet proposes that PM<sub>2.5</sub> should not be incorporated into air quality

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<sup>9</sup> <http://cleanair.london/legal/defra-condemned-for-proposals-scrapping-local-air-pollution-monitoring/>

<sup>10</sup> <http://www.parliament.uk/documents/commons-committees/environmental-audit/HC-212-for-web.pdf>

regulations and that LAs should not be required to monitor and report on it. Without comprehensive monitoring and reporting, it will not be possible to know what PM2.5 levels are – and importantly whether they are going up or down – which will also make it impossible to know whether EU Air Quality Standards will be met.

We welcome the inclusion of PM2.5 in this consultation, but believe that PM2.5 must be put at the heart of LAQM regulations, alongside NO2 and PM10. Defra's stated intention to reject even its limited inclusion in the Regulations or guidance does not reflect the public health impact of this pollutant.

### **Review of LAQM pollution objectives**

We are concerned about the proposal to abolish air quality objectives for four pollutants (benzene; 1, 3 butadiene; carbon monoxide; and lead), two of which happen to be of particular concern in relation to fracking as well as public health.

If the Government's plans on fracking do go ahead, it will clearly be even more important to monitor and regulate these pollutants moving forward.

Furthermore, it seems nonsensical to remove these objectives as Defra's own impact assessment notes that monitoring these pollutants is not currently a burden on LAs and identifies no cost savings from removing them from England regulations.<sup>11</sup>

### **Conclusion**

We reject the proposals put forward by Defra in the consultation document on the changes to the LAQM regime. We do not believe this is sufficient to tackle the urgent problem of air pollution and it risks seriously undermining any efforts towards meeting legally-binding EU standards.

In many places, air quality monitoring is already insufficient – it needs to be strengthened, not eroded, while air quality reporting requirements must not be watered down.

The Government is failing to meet legal air quality limits determined by EU legislation, legislation the Government helped to set over 10 years ago. The EU is rightfully challenging Member States, including the UK, who fail to meet these previously agreed standards.

The LAQM regime, whilst not perfect, should not be blamed for these failures. There is a need for greater co-ordination and co-operation, and for more resources to be committed by central Government to make local action more effective.

The proposal presented in this consultation document does not represent an improvement on the current regime. We believe that these proposals will weaken the air quality regime at a time when the UK is facing infringement proceedings for failing to meet legally-binding EU air quality standards. We are concerned that these proposals, if enacted, will demonstrate a failure of commitment on this important public health issue.

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<sup>11</sup> P.8 [https://consult.defra.gov.uk/communications/laqm-review-next-steps/supporting\\_documents/LAQM%20consultation.pdf](https://consult.defra.gov.uk/communications/laqm-review-next-steps/supporting_documents/LAQM%20consultation.pdf)

The Government must therefore think again and propose different options which strengthen and better resource local air quality monitoring, and consolidate the planning regime's potential to safeguard air quality.

Yours sincerely,

Handwritten signature of Keith Taylor in black ink, with a horizontal line underneath.

Keith Taylor, Green MEP for South East England

Handwritten signature of Jean Lambert in black ink, with a horizontal line underneath.

Jean Lambert, Green MEP for London

Handwritten signature of Molly Scott Cato in blue ink.

Molly Scott Cato, Green MEP for South West England