

**Re: Review of Local Air Quality Management Consultation on regulatory and guidance changes  
December 2014**

**General observations:**

We are deeply concerned about the lack of transparency in this consultation, in particular the fact that there appear to be serious contradictions between the predictions contained in the Consultation Impacts Assessment, and the claim made on the home page for the Consultation that *“this consultation is **not** recommending any outcome that would see a reduction in monitoring of NO<sub>2</sub> or PM”*.

The Impact Assessment estimates that local authorities will spend £131.1 million less on air quality reporting. Further, it includes a ‘high estimate’ of ‘savings’ from cuts to diffusion tube monitoring by £13.7 million and from cuts to Automatic monitoring by £41.4 million, with a +/- 15% uncertainty factor.

£13.7 million savings from cuts to diffusion tube monitoring translates into all 9,780 diffusion tubes being discontinued.

£41.4 million savings from Automatic monitoring translates into all 600 automatic NO<sub>x</sub> monitors and all 150 automatic PM monitors run by local authorities being abandoned. This would leave nothing other than Defra’s AURN monitoring network in place and, at present, that consists of no more than 115 monitors across the whole of the UK.

We believe that it is highly misleading to claim that the consultation does not recommend any outcome that would reduce NO<sub>2</sub> or PM<sub>10</sub> monitoring, when the Impact Assessment includes ‘savings’ figures which, at the high end, are based on the total abolition of local authority monitoring as a result of the proposals set out in the Consultation Paper.

Finally, we are deeply disappointed that the opportunity to create a new Air Quality Objective for PM<sub>2.5</sub> has been missed. The health impacts of exposure to PM<sub>2.5</sub> are particularly serious and the World Health Organisation has confirmed that there is no safe limit for this pollutant. Excluding PM<sub>2.5</sub> from the Air Quality Objectives means that the effects of any new developments on PM<sub>2.5</sub> levels cannot be taken into account by planning authorities when determining planning applications. This removes one of the key tools that local authorities have to try and control PM<sub>2.5</sub> levels in their area.

The UK Government has admitted to breaching EU air quality standards and the European court of Justice has found that the UK government is under an obligation to end illegal breaches of EU Air Quality Standards as soon as possible. According to the Committee on the Medical Effects of Air Pollutants, around 29,000 deaths per year in the UK could be attributed to PM<sub>10</sub> pollution, equivalent to a loss of 340,000 life years. This estimate does not include deaths linked to other air pollutants, including NO<sub>2</sub>. We are dismayed to see that the single air quality proposal which Defra has come up with in this context is one which will do nothing to reduce air pollution but which instead, as the Impact Assessment confirms, could decimate local authority air quality monitoring and reporting. The proposal should be withdrawn.

Question 1: Does the draft statutory instrument achieve its stated purpose of removing the four pollutant objectives for LA reporting purposes?

The Statutory Instrument suggests that only the Air Quality Objectives for SO<sub>2</sub>, PM<sub>10</sub> and NO<sub>2</sub> would be retained. We presume this would mean also abolishing existing ones for Polycyclic Aromatic Hydrocarbons and Ozone. Yet the Consultation paper only mentions abolishing four, not six Objectives.

Question 2: Do you have any final comments regarding the decision to remove the four pollutants and in particular on the assessment of costs and benefits?

We object to the proposal to remove air quality objectives for benzene, 1,3 butadiene, carbon monoxide and lead. Each of those air pollutants is associated with serious dose-related medical problems. According to the World Health Organisation, benzene is associated with haematotoxicity, genotoxicity and carcinogenicity. Butadiene is a known carcinogen. Long-term carbon monoxide exposure reduces the oxygen-carrying and transfer capacity of the blood. It is therefore linked to heart disease. And lead exposure is linked to haematological and neurological problems, and with developmental problems in babies and children<sup>1</sup>. As Defra's consultation paper states, no Air Quality Management Area (AQMA) has been declared in England in respect of any of these four pollutants. However, very little monitoring of these pollutants is being carried out and the lack of any AQMA could therefore be due to a lack of data rather than to the existing objectives being met. However, as long as those four air quality objectives remain, developers have to include the impacts of polluting developments on benzene, 1,3 butadiene, CO and lead levels and planning authorities have to take these into account when considering relevant planning applications. This includes an assessment of likely cumulative impacts of separate developments affecting the same area. Cumulative impacts cannot be addressed through Environment Agency permitting (i.e. through Emissions Limit Values), they can only be addressed through the planning system, which needs to consider compatibility with air quality objectives. Removing four air quality objectives would therefore expose communities to greater risks which will go entirely unassessed and ignored.

Question 3: Do you have any evidence on the costs or benefits of our proposals under Part 2 to help us finalise the preferred options and develop the detailed guidance for final consultation in 2015?

Defra's preferred option is a modified version of 'Option 3' in the 2013 consultation – an objection rejected by over 18,000 respondents to that consultation. As we have stated above, the Impact Assessment confirms that it could result in the total removal of all existing local authority air quality monitoring and to drastic cuts in spending on air quality reporting.

Under S.88 of the 1995 Environment Act, local authorities have a duty to follow any guidance issued by the Secretary of State. Current guidance obliges them to carry out local authority air quality monitoring in order to ascertain in which areas standards are not being achieved and to submit reports. Without such guidance, local authorities would have no duty to monitor air quality at all. And budget constraints would inevitably prevent local authorities from spending funds on monitoring in the absence of any legal obligation to do so.

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<sup>1</sup> [http://www.euro.who.int/\\_data/assets/pdf\\_file/0005/74732/E71922.pdf?ua=1](http://www.euro.who.int/_data/assets/pdf_file/0005/74732/E71922.pdf?ua=1)