

Dear Sir/Madam,

Re: "Consultation on options to improve air quality management in England"

I am writing on behalf of Biofuelwatch (www.biofuelwatch.org.uk). For the past five years, we have been supporting communities which have opposed large-scale biofuel and biomass electricity plants, including on grounds of air pollution. Several proposals opposed for this reason have been rejected, one of them by the Secretary of State following an Appeal by the developer, due to its expected adverse impact on exceedences of UK and EU air quality standards and public health. We are therefore very familiar with the current system of local air quality monitoring, including its importance for planning decisions.

We are deeply concerned that all of the four options proposed by Defra would, to different degrees, weaken air quality monitoring across the UK, deprive communities, planners and statutory authorities of vital data on air pollution and undermine any efforts to improve air quality and to meet the UK's legal obligations in this respect.

Persistent breaches of EU and UK air quality standards across many areas and locations pose a serious threat to public health and require actions that are adequately funded and supported by Government policies, including in relation to planning policy, which is already heavily biased in favour of polluting developments. Effective action to improve air quality requires accurate data – i.e. improved, not reduced monitoring and reporting.

Furthermore, options 3 and 4 would abolish the requirement for Air Quality Management Areas (AQMA). The National Planning Policy Framework (section 124) states: "*Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.*" Without a requirement to declare AQMAs where legal air quality limits are being or at risk of being breached, and without detailed local air quality monitoring, it is difficult to see how planning authorities could comply with their legal requirement to not allow new developments that would breach pollution limits. It is also difficult to see how, without sufficient local data, the Environment Agency can comply with their requirement to ensure that environmental permitting conditions in relation to ambient air quality are being met.

For example, Southampton has 10 AQMAs because of persistent breaches of EU and UK annual mean NO₂ standard. The local authority maintains 5 automatic monitoring stations (two of them funded through S.106 agreements by developers) and 55 NO₂ diffusion tubes across the city. There is only one AURN automatic monitoring station that is funded by Defra. Under Options 3 and 4, and possibly 2, air quality monitoring at all other 60 sites in Southampton would likely cease. The 2012 Updating and Screening Assessment for Southampton shows no exceedences of the EU NO₂ limits at the AURN site in 2011, whereas exceedences of the annual mean NO₂ limit were recorded by four different automatic monitoring sites and indicated by 19 diffusion tubes. If Defra's proposals to abolish the duty for local authority air quality monitoring became policy, just one monitoring site would be retained across Southampton and clear persistent exceedences of the EU NO₂ standard would no longer be reported by anybody. Far from focussing their resources on actions (as opposed to reporting and monitoring), Southampton Council would presumably be advised that since the AURN showed compliance with EU and UK standards, no action to improve air quality was required. Yet a large proportion of the population would continue to be exposed to NO₂ levels

considered unsafe by the EU, UK and by the world Health Organisation and EU legislation would continue to be breached. This is just one example to show the scale of the adverse impacts which those proposals would have.

We would further question the legality of the proposals. The EU Air Quality Directive requires limit values to be met across EU member states and a decision to reduce monitoring so that many real exceedences are no longer reported does not appear to us to be compatible with this duty. Furthermore we cannot see how the proposals accord with Part IV of the Environment Act 1995, especially Section 82.

We believe the duties and responsibilities of local authorities as well as the Environment Agency need to be significantly strengthened – not weakened and local authorities must be provided with adequate funding/resources and greater power to enforce UK and EU air quality limits.

Q1. What are your views on whether we should consolidate EU and National Air Quality Objectives and how this might best be achieved?

“Consolidating” objectives would mean weakening those National Objectives which exceed EU ones. EU limit values are the minimum standard to be achieved by member states and several of them are higher than what the World Health Organisations recommends for the protection of public health. We believe that National Air Quality Objectives should not be abolished but tightened so as to align them with WHO recommendations. On the other hand, in relation to PM2.5 the EU requirement to reduce average PM2.5 exposure by 20% by 2020 must be reflected by revised National Air Quality Objectives.

Q2. What are your views on the range of objectives local authorities should work towards and whether or not these should be reduced?

Local authorities should be responsible for working to reduce all National Air Quality Objectives – ideally ones stricter than they currently are and aligned with WHO guidelines/recommendations.

Q3. What contribution can local authorities make in reducing emissions and/or concentrations from PM2.5 pollution? Please provide examples, where appropriate.

Contributing to an overall 20% reduction in national PM2.5 levels and working towards the 2015 EU target and limit values should be incorporated into local authority responsibilities under LAQM. Improved, not reduced air quality monitoring is essential for this and thus for meeting EU requirements.

Q4. Which option will best help to support Aim 1?

None of the proposed options would support this Aim compared to retaining the status quo. Monitoring and reporting is vital for effective action and all proposed options would weaken those requirements, to different extents.

Q7: Which option will best help to support Aim 2:

Compared to the status quo, none of those options would support this aim. In relation to Options 3 and 4 and possibly 2, dismantling local authority monitoring and reporting

would appear to us to conflict with local authorities statutory duties under the 1995 Environment Act and would thus undermine clarity as to what exactly their duties are.

Q8: What are your views on the current air quality reporting requirements for local authorities and how they could be simplified?

We believe that this is the wrong aim. The air quality reporting requirement is vital for ensuring that residents and statutory agencies have accurate and up-to-date information about air pollution levels, and for developing and adjusting appropriate actions. There is clearly a problem with a lack of action and enforcement to ensure that air pollution levels are being brought down and this needs to be addressed urgently. Reducing reporting requirements would in our view undermine such action.

Q9: What are your views on the current air quality reporting requirements for local authorities and how they could be simplified?

The quality of local authority air quality reporting varies considerably and we have come across concerning instances in which important data is not being reported and insufficient information is available for making informed decisions on planning applications for polluting new developments. For example, Adur & Worthing Council maintains just three automatic monitoring stations, only two of them designed to monitor NO₂, despite the fact that three AQMAs are in force due to NO₂ exceedences. Neither of the monitoring stations belongs to the AURN network, so under Defra proposals, both face closure. According to the local authorities air quality reports and data presented by the Sussex Air Quality Partnership, neither of the two automatic monitors for NO₂ has ever worked reliably and both have malfunctioned since they were installed. We strongly believe that air quality reporting requirements need to be strengthened not simplified. A Council such as Adur & Worthing should not be allowed to fail to maintain monitors identified as necessary in their Air Quality Action Plan and thus to fail to collect reliable data to show whether NO₂ levels are rising or falling in an exceedence area.

Q10: Do you think there is a need for a more public facing local air quality report which provides an annual review of action taken to improve air quality?

Local authority air quality reports already need to report on actions taken and planned. The accessibility of such reports on some local authority websites could be improved but this is a minor concern compared to the proposed reduction in or abolition of air quality reporting and monitoring required to inform actions.

Q11: Do you think there is a need for a better line of sight between local reporting on air quality and what we report to the EU about local action?

We are concerned that Defra's compliance reporting to the EU may have downplayed the likely scale of NO₂ exceedences in 2015. For example, Defra has advised the European Commission that NO₂ limits are expected to be met in Brighton/Worthing/Littlehampton but local authority monitoring data and reports show consistently high levels and give no indication as to how they can be reduced to legal limits with current policies/measures.

Q12: Do you think the current arrangements for AQMAs should be retained or should they be removed and/or local authorities given more flexibility in applying them?

AQMAs exist to identify areas where air pollution limits are being or likely to be exceeded. The EU Air Quality Directive requires legal limits to be met everywhere. Removing the requirement for AQMAs would, we believe, legitimise ongoing breaches of the Directive and remove any incentive for reducing pollution in those areas most effective. Requirements to effectively reduce pollution levels in AQMAs need to be strengthened and this requires adequate funding/resources.

Q13: Which option will best help to support Aim 3?

We believe that Aim 3 is the wrong aim and undermines the UK's legal responsibilities to meet legal air quality limits by reducing data capture and reporting on which action must be based.

Q16: Which option do you think is most likely to improve local air quality management and why? Do you have an alternative approach?

All proposed options would weaken and undermine local air quality management. We believe that those proposals need to be abandoned and that a completely different approach is needed, one that strengthens monitoring and reporting and gives local authorities greater responsibilities, powers and resources for effectively reducing air pollution.

Best regards,

Almuth Ernsting
Co-Director
Biofuelwatch