



# Review of the Local Air Quality Management Policy Guidance

CIEH submission to the DEFRA consultation

June 2022

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## **About the Chartered Institute of Environmental Health (CIEH)**

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and third sectors, in 52 countries around the world. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to health and health protection.

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## Key points in the response

We welcome the proposed requirement for all local authorities to produce an Air Quality Strategy, which should help to align priorities and potentially improve cooperation between neighbouring local authorities.

Resources within local authorities are still a significant concern going forward, which is why we support both the continuation of air quality grant funding and the creation of an air quality hub to aid the sharing of good practice between different areas.

We strongly urge DEFRA not to exclude local authorities, which are struggling to fulfil their statutory obligations, from being able to bid for air quality grant funding. Each funding application should be evaluated on a case-by-case basis and local authorities who are falling behind should be prioritised for support in appropriate situations.

We would like to see much closer working between DEFRA and other Government departments, such as DLUHC and BEIS to ensure that there is no conflict at national policy level in taking forward the actions in local AQAPs. Better alignment at national level will help local authority departments to work more collaboratively and more closely together.

We consider that national action would be most effective to reduce PM2.5, led by the Government as well as by national agencies. However, local authorities could play a supporting role to meet the national target on PM2.5, with appropriate regulations, resources and guidance from central government.

**5. Do you agree or disagree that authorities who do not need to declare an Air Quality Management Area should be required to produce a local Air Quality Strategy to aid the prevention of future air quality issues and reduce the long-term adverse health impacts associated with exposure to air pollution?**

Strongly agree

**6. Do you agree or disagree with the introduction of the new reminder and warning letters for local authority air quality reports?**

Somewhat agree

**7. Would you agree or disagree that requiring Directors of Public Health to approve Air Quality Action Plans would increase Public Health engagement in local air quality management?**

Strongly agree

**8. How long should local authorities be given to collect additional monitoring or modelling evidence of an exceedance before declaring an Air Quality Management Area?**

13 - 18 months

**9. How long do you think local authorities should be given to produce their Air Quality Action Plans post Air Quality Management Area designation?**

19 - 24 months

**10. Do you agree or disagree that in the future online Air Quality Action Plans, which can be kept up to date, should be made available to the public?**

Strongly agree

**11. If you have any further comments on the overall LAQM process, please add these here.**

Proposal for all LAs to develop an AQ strategy

Requiring all local authorities to develop a local air quality strategy could be useful to aid better joint working between neighbouring authorities. A specific strategy on air quality, in local authorities where there would not otherwise be a requirement to declare an Air Quality Management Area (AQMA), is likely to provide a stronger basis for cooperation at a regional level. It may also assist with better buy-in from all LAs in order to address any significant cross-boundary issues. A local air quality strategy could also aid better local decision-making at planning stages of any new developments and ensure that air quality impacts are assessed at this early stage. However, without exceedances driving action, the document could also have little targeted impact and resources allocated to it by local authorities, which could limit the effectiveness of these new local strategies.

### Reminder and warning letters

LAs carrying out extensive monitoring or those with a number of active AQMAs could take longer to produce their air quality reports. Local authorities can also often face significant challenges with recruitment and allocated resources. Where reminders are needed, queries should be raised as to the reason for the delay or lack of report. Assistance by central Government to aid delivery would be useful to ensure meaningful progress gets made and positive outcomes are generated as a result of the warning letters.

Furthermore, timings for delivery of air quality actions, especially around transport infrastructure changes, can take far longer than allowed for in current legislation. The timing of letters should be reviewed in these instances.

### Directors of Public Health

Directors of Public Health are important partners for air quality work as they could help facilitate closer links between local authority environmental health teams and key teams within the NHS.

We have heard from our members that there are already good links being made in some LAs between environmental health teams and colleagues focussed on climate change. Bringing public health closer is likely to be useful to ensure health and air quality plans align and contribute to shared goals.

### Resourcing

As part of the changes introduced by the Environment Act 2021, environmental health teams will be playing a key leading role in bringing together and coordinating the involvement of various different agencies and partners to achieve better air quality locally. This kind of activity would require a dedicated additional resources.

### **12. What do you think of the air quality information that is currently available to the public?**

Don't know / no opinion

### **13. What improvements do you think could be made to air quality communication?**

Better air quality communication and engagement could be achieved through better national messaging about key behaviour change needed to drive individual public action. For example, national polices and messaging are around use of solid fuels and burning of wet wood will be crucial in reducing PM2.5 pollution.

Local communication could also be improved with the development of national resources such as animated videos, infographics and short clear communication messaging. This could then be used locally. The provision of such resources to LAs would assist local areas in supporting national policy objectives and helping to raise awareness with the public.

**14. What barriers or facilitators do you feel there are to local authorities carrying out effective community engagement on air quality issues?**

Strong leadership as well as consistent and impactful national messaging around air quality and would greatly assist local authorities in engaging with local communities in a way that supports and strengthens national objectives. However, it should be recognised that in order to achieve behaviour change, physical infrastructure needs to support this. For example, in order to nudge people away from car use, the public transport needs to be convenient and offer a good alternative to the car.

**15. Do you agree or disagree that local authorities should take further targeted measures where areas of both high pollution and high deprivation persist?**

Strongly agree

**16. Though consideration of indoor air quality is not a statutory duty for local authorities, do you think inclusion of information on this topic within the guidance is helpful?**

Helpful

**17. If you have any further comments on air quality disparities or the inclusion of information on indoor air quality, please add these here**

Information on indoor air quality

Whilst information on indoor air quality would be helpful to local authorities, we are not convinced that including this information in the AQMA guidance is appropriate. Indoor air quality is an important issue but including it as part of AQMA guidance risks confusing the problem by raising issues, which cannot be addressed by an AQAP. The preference would be for indoor and outdoor guidance to be published separately.

Air quality and deprivation

Many local authorities are already focussing on the links between deprivation, vulnerable groups and air quality, such as with the creation of low traffic neighbourhoods around schools. Many measures to reduce levels of pollution on the roads will also help with reducing some of the worst impacts of air pollution on the most deprived communities, who tend to live near busy roads and junctions. In some city areas, there has been an increase in car usage since the pandemic so further work needs to be done to remind and encourage people to revert back to public transport. This is therefore an area that could have greater prioritisation.

Existing good relationships between air quality colleagues and those working in public health have resulted in additional funding being allocated to air quality work in some localities. The key barriers to doing more in this area is political will, public buy in for unpopular measures and resources available to drive this work forward.

It should be recognised that poorer health outcomes in deprived communities are also linked to wider issues such as poverty, lack of economic opportunities and lack of investment in infrastructure. Working closely with public health colleagues and addressing all factors affecting health disparities is important to make a significant impact on people's overall health and wellbeing.

**18. What actions do you think local authorities could take to help reduce PM2.5 concentrations?**

National action would be most effective in reducing concentrations of PM2.5. For example, by restricting vehicle emissions for all vehicles or by introducing new tighter permitting controls via national guidance updates for local authorities to utilise. The Environment Agency could also be doing more to reduce emissions of PM2.5.

Local authorities are already involved in reducing particulate matter pollution in general. This includes their work on permitting smoke control from burning waste and wood burner emissions. However, with appropriate resourcing and funding, LA could have impact in the following areas:

- Refusal of planning permission for combined heat and power biomass combustion activities unless locations are off the gas grid and in rural areas
- Ceasing biomass combustion in all local authority owned premises
- Further tightening solid fuel combustion at domestic premises within the inner city and densely populated areas, for example by requiring DEFRA approved stoves
- Banning of waste incineration plants, which burn clean wood simply to obtain Renewable Heat Incentive (RHI) payments
- Working on initiatives to increase pedestrianisation, where this does not displace pollution to other roads
- Working on behaviour change to encourage a modal shift in transport choices
- Better utilisation of SPDs by planning authorities to limit combustion activities where there is no breach of current air quality objectives

All work on air quality should be considered together with climate change objectives. Big increases in development, local authority resources and funding are key barriers for local areas.

**19. Though consideration of ammonia is not a statutory duty for local authorities do you think inclusion of information on this pollutant, (particularly as a precursor to PM2.5) within the guidance is helpful?**

Helpful

**20. Are there any barriers to getting an Air Quality Supplementary Planning Document in place locally, and if so what are they?**

Our members have told us that they have experienced resistance from their colleagues working in planning departments to introducing the Air Quality Supplementary Planning

Document (AQSPD). This resistance seems to stem from the different strategic priorities being given by different central Government departments. In recent years, the number of planning documents has been streamlined in many local authorities and there is therefore a reluctance to add any new documents. Adding an AQSPD is also seen by planners as a potential barrier or restriction to development. We would therefore encourage DEFRA to work closely with the Department of Levelling Up, Communities and Local Government to ensure that AQSPDs are given priority locally. The two government departments should help to encourage a consistent approach across the country of close co-operation between planning and air quality officers locally.

Another barrier to creating an SPD for air quality is the lack of exceedances in areas without a mandated AQMA. A different approach may be needed to reduce the population exposure and concentration of PM2.5 across all areas of the country and it is unclear how this may be framed to ensure air quality is considered as part of new developments in areas without exceedances.

The inclusion of air quality as part of wider local plans strategy documents is seen as a potential alternative to AQSPDs. The link between air quality and the climate change targets is also a potential route to ensuring that air quality is included as part of wider climate change strategies of local authorities without specific SPDs on air quality. This could help to encourage planning departments to take air quality into account when considering new developments.

## **21. What are the barriers to local authority air quality and climate change officers working together, if any?**

Generally, there is good alignment in the objectives of both teams. Climate change and air quality colleagues have a similar long-term outlook to their work. However, good joint working is subject to the availability of resources and capacity in both teams. Sometimes the teams do not work as closely together because of silo working. Air quality officers are part of environmental health departments whilst climate change officers tend to be part of a central policy function within the local authority.

However, there are clear benefits to both teams working much more closely together when considering specific plans and measures, as the two policies can sometimes contradict each other. This is the case with the installation of biomass boilers, which are positive from a climate change perspective but have a negative impact on air quality, especially in areas of high population density. The two teams can also produce contradictory advice, when it comes to new development. For example, with a proposed development next to a busy road, air quality teams would ask for windows to be shut and air conditioning to be installed for ventilation to prevent exposure to polluted outside air, whereas climate change teams would ask for no air conditioning and windows to be the source of ventilation to reduce energy use. Better national guidance for both teams would help in these areas.

## **22. Do you think that local authorities should be compliant with their Local Air Quality Management statutory duties to be able to apply for Government grant funding on air quality?**

No

**If your answer to the above is no, please explain why?**

Local authorities, which are struggling to fulfil their statutory duties often require further resources to be able to make timely progress. There are upfront as well as ongoing costs to setting up a new AQMA and to developing air quality strategies. Access to grant funding is important to ensure that the local authority does not lose its in-house air quality expertise and work to improve air quality progresses as quickly as possible. There may be specific reasons why a certain local authority is struggling at a moment in time, including problems with recruitment. Grant funding decisions should therefore be made on a case-by-case basis.

**23. Do you think local authorities should provide outcome summaries for grant funded projects on the Air Quality Hub to support building capacity?**

Yes

**24. Do you think local authority air quality data should be shared with the public through the Local Air Quality Management dashboard?**

Yes

**25. Do you have any further comments on the proposed changes to the Local Air Quality Management guidance?**

We would like to see much closer working between DEFRA and other Government departments, such as DLUHC and BEIS to ensure that there is no conflict at national policy level in taking forward the actions in local AQAPs. Better alignment at national level will help local authority departments to work more collaboratively and more closely together, as they would have similar priorities.

We welcome the continuation of air quality grants for local authorities and the setting up of an air quality hub for sharing of good practice between local authorities. However, some local areas still face significant challenges with resources and recruitment. Resources for local authorities are needed not only to ensure that local authorities can recruit enough competent officers to carry out the necessary work to reduce air pollution, but also to give officers capacity to train the next generation of competent and fully qualified professionals.

Last year, we published the [results of our Environmental Health workforce survey](#), which sheds light on key resourcing and staffing issues across environmental health departments in English local authorities. Nearly a third (31%) of respondents told us that, in their opinion, the delivery of some statutory environmental health duties was at risk, due to resourcing issues in 2019/20. Local authority spend on environmental protection services, in particular, appears to have dropped by 31% and the number of local environmental health staff decreased by 32% between 2009 and 2019.<sup>i</sup> Of those specialising in environmental protection, which would include air quality and monitoring work, we estimate around 300 FTE environmental health practitioner posts have been lost in England's local authorities in the last decade.<sup>ii</sup>



The vast majority - 4 out of 5 local authorities - reported that they use agency staff to deliver their environmental health services. 9 out of 10 (87%) local authorities told us that agency staff were used because of shortages in resources or delays in recruitment of EHPs. By contrast, only 30% used agency staff because of an unprecedented demand for services and 23% due to specialist knowledge not being available in-house.

56% of local authorities reported that they had vacancies in their environmental health teams that were left unfilled for 6 months or more. The top reasons for the vacancies point to a lack of available EHPs who are fully qualified and experienced. Any support that DEFRA might be able to offer to local authorities to train new environmental health officers in-house, such as through the use of environmental health apprenticeships, would be welcomed.

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<sup>i</sup> [The UK's enforcement gap 2020](#), Unchecked UK, Oct 2020.

<sup>ii</sup> This figure was worked out using the data from Unchecked UK and combining it with the estimates in our workforce survey found in Table 1. <https://www.cieh.org/media/5249/cieh-workforce-survey-report-for-england.pdf>