

LGA response to Clean Air Strategy

14th August 2018



About the Local Government Association (LGA)

The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

Summary

The plan sets out a variety of different actions across a number of different public agencies. What the plan does not acknowledge sufficiently is that these actions are in addition to current activity. New activity will have to be resourced and local authorities are not in a position where they could take on the amount of activity envisioned in this strategy without either significant additional investment or by ceasing other equally vital environmental health protection work. Whilst we agree with the Government's ambition and the vital nature of the challenge we need a strategy that is either realistic about the capacity of many public agencies to take on more work or identifies how new resources will be made available.

General Comments

We have answered those questions that relate to local government activity or areas where the LGA has views on behalf of councils in their roles as leaders of place.

1. Understanding the problem

Q1. What do you think about the actions put forward in the understanding the problem chapter? Please provide evidence in support of your answer if possible.

It is clearly important that the public understand the dangers of air pollution in a meaningful way. However it is not clear that the current gap in understanding will be filled by making all the data councils have on air quality monitoring publically available as one massive dataset.

The data that is held locally comes from a variety of different sources and is collected according to local circumstances reflecting local priorities and is dependent on the levels of resource available to carry out this work. Any attempt to draw this data together into one dataset would need to be very carefully qualified so anyone using the dataset was aware of the different methodologies and granularity of data from different parts of the country. We have already seen

Submission

from the process of creating clean air zones that national modelling is a poor fit for areas of exceedance.

We question whether the gain in public understanding will be worth the cost of this single portal. We believe that public awareness of poor air quality is increasing however it is not well known that overall air quality is improving and that exceedances are linked to discrete locations. Also much media reporting of the issue is driven by a better understanding of the risks of poor air quality as opposed to a worsening of the overall situation.

We are pleased that in the 'health' chapter it is stated that the government is reviewing evidence for practical recommendations to reduce harm from air pollution. We would be extremely pleased if the final strategy contained the findings of this evidence review to provide more of a steer for local Directors of Public Health and local leaders when assessing the effectiveness of interventions.

We are also pleased to see that National Institute for Health Research (NIHR) has committed to further research into the health impacts of air pollution and effective interventions for tackling it. We encourage NIHR to work in partnership with local authorities to establish what is already working, test innovative approaches, and perhaps engage with local authorities to evaluate existing local programmes.

More action is needed to fully understand the impact of air pollution on the public's health and to understand which interventions are likely to be most effective for tackling air pollution. In particular, more evidence is needed to identify high impact interventions which are likely to have the greatest co-benefits for both air quality and health. The research agenda needs to focus on how changes to the built environment can support uptake of active travel and public transport, and the policies needed to achieve this.

Q2. How can we improve the accessibility of evidence on air quality, so that it meets the wide-ranging needs of the public, the science community, and other interested parties?

One of the most important needs for the evidence on air quality is for it to be presented to the public in a simple, clear and meaningful way. The only way that action on tackling poor air quality will be effective is if it has widespread public buy in. That will only be achieved if the public clearly understand the nature of the problem, how it is affecting them and what they can do about it. Therefore the most pressing need of the public on the accessibility of evidence is for the Government to take the lead in spreading the message as they have done with other public health challenges. The LGA has called for a national public health communication campaign on air quality similar to those on alcohol and inactivity.

2. Protecting the nation's health

Q3. What do you think of the package of actions put forward in the health chapter? Please provide evidence in support of your answer if possible.

LGA welcomes the range of actions laid out in the health chapter, including the development of a personal air quality system to inform the public about the air quality forecast. However, we would like to stress the need to establish robust evidence that a personal air quality messaging system will deliver positive outcomes.

We are very pleased to see mention of working to embed air quality knowledge into the training of health professionals. The NHS has a clear role to play in tackling air pollution, both through communicating with patients and through adjusting its own activities e.g. greening its fleet. A 'Making Every Contact Count'

approach is sensible for ensuring that the public, and especially the vulnerable, understand the risks of air pollution and how they can reduce their exposure.

We are pleased that the government has committed to working with local authorities and Directors of Public Health (DPH) to enable them to 'lead and inform local decision making' around air quality. However, we are disappointed that there is no clear and explicit role explored in the document for the Director of Public Health, Health and Wellbeing Board and the portfolio holders with responsibility for public health in the local authority.

Local health leaders and their role in tackling this pivotal public health issue needs to be clearly defined. There is a significant opportunity for officers and elected members to work together on this issue, and for DPH to work with other local authority partners such as planning and housing teams, and schools. The strategy could make more of this and include more consideration of how government can support partnership work at the local level.

We would like to see explicit mention of the use of Health Impact Assessments (HIAs) for improving air quality. HIAs can be extremely useful for embedding the consideration of health consequences of all decisions into public policy making. HIAs may be particularly useful in the context of public health and planning working together to create environments that are conducive for encouraging active travel, reducing road congestion and ensuring easy access to local transport networks.

There is a lack of recognition in the 'health' chapter of the benefits of cohesively addressing the related issues of low physical activity levels, increased obesity and private vehicle usage.

We are disappointed that the strategy does not explicitly recognise that there is no safe level of exposure to particulate matter (PM). However, the new target to halve the population living in areas with concentrations of fine PM above World Health Organisation (WHO) guideline levels by 2025 is a step in the right direction. We urge the Government to act without delay and aim to bring down exposure to PM in advance of this timescale.

Q4. How can we improve the way we communicate with the public about poor air quality and what people can do?

As well as action by national and local authorities, positive action by individual members of the public is likely to have the most significant impact on air quality levels. Therefore communicating the impacts of air pollution to the population and alerting those considered more vulnerable of poor air quality days is extremely important. However, achieving changes in individual's behaviours requires innovative approaches in making messaging effective and useful.

There is a need for consistent messaging on the issue of air quality to ensure that the public understand the risks and how they can act to decrease their exposure. However, communication needs to be handled carefully to avoid scaremongering, and to ensure people do not avoid exercise outdoors when it is not necessary to do so. Research has found that for most people the benefits of physical activity outweigh the harms of poor air quality, even in highly polluted areas. This needs to be more effectively conveyed to the population.

It is also important to communicate with people about the scale of the air pollution challenge so that they act to reduce the air pollution they create themselves. National messaging encouraging active travel instead of personal vehicle use for

short journeys would have the double benefits of both reducing emissions while increasing people's physical activity levels.

We should also ensure that the many steps proposed in this strategy are clearly and widely publicised for examples the importance of using DEFRA approved stoves should be clearly communicated if that is a route that is adopted and the risks of open fires, damp or treated wood and low temperature, smoky fires should be highlighted.

3. Protecting the environment

Q5. What do you think of the actions put forward in the environment chapter? Please provide evidence in support of your answer if possible.

The LGA welcomes the strengthening of the language on air quality and the inclusion of clean air zones within the revised National Planning Policy Framework. The LGA has called for local authorities with air quality problems to be given greater power to reject proposals that will have a negative impact on air quality.

5. Action to reduce emissions from transport

Q11. What do you think of the package of actions put forward in the transport chapter? Please provide evidence in support of your answer if possible.

The LGA believes that the long term solution to dealing with the UK's problems with air quality must include initiatives to increase the amount of journeys taken by public and active transport. One way the Government could help do so is by devolving the Bus Services Operators Grant (BSOG) to councils. BSOG is currently a grant paid to bus operators to help them recover some fuel costs. The amount each bus operator receives is based on their annual fuel consumption. By devolving to councils, this public subsidy could be better used to prioritise those services that would best support a comprehensive network. Pilot areas where BSOG has been devolved have shown benefits with greater bus patronage. For example devolution in Merseyside has resulted in significant increases in patronage through partnership.

This modal shift will have had a beneficial effect on air quality. It could also be achieved by no additional central government funding just smarter use of existing subsidy. The Government should also fully fund the English National Concessionary Travel Scheme to ensure that local government can afford to deliver concessionary passes without reducing other bus related expenditure we estimate that the scheme is underfunded by at least £200m which has to be taken from other transport expenditure.

Another step would be consistent national public health messaging about the dangers of air pollution to road users and what practical steps people can take to improve it and how they can protect themselves from it. Whilst there is a growing awareness of the damage poor air quality can cause there are not widespread simple to understand messages about the positive steps people can take. A national campaign creating better understanding would dovetail with local council messages on days with high pollution. A particularly pertinent example is that often the place with the worst air quality on a day of high air pollution is inside a car stuck in traffic. We should avoid a campaign that simply seeks to encourage vulnerable to stay indoors during pollution incidents thus further reducing quality

of life. We must address the root cause of the pollution and seek to change behaviour.

The LGA would welcome further measures to tackle congestion. The LGA has called for the full implementation of Part 6 of the 2004 Traffic Management Act for areas outside London, and support for authorities that wish to introduce a workplace parking levy. These two powers have already been introduced in some parts of the country and workplace parking levy reduced early morning peak traffic levels upon introduction in Nottingham. They would also be self-funding. Working to reduce congestion and smooth traffic flows should form a key part of the clean air strategy and these powers would be simple for the Government to introduce.

Shipping and aviation emissions are difficult for local authorities to control but make significant contributions to localised air quality issues. National action is imperative as is investment in cleaner infrastructure in ports themselves. Action to minimise the number of landside movements may be a more realistic target for action. The consultation states the need for air quality to be considered at strategically important ports. We would urge the Government to prioritise its efforts in this area towards ports that make significant contributions to air pollutions in populated areas. There are some significant UK ports away from densely populated areas and whilst all action to reduce emissions is welcome DEFRA should focus its limited resources towards ports that are part of major conurbations as a first priority. The Government could also help authorities to provide clean charging points at canal moorings. Many moorings are in city centre or other populated areas and a relatively small investment, for example by widening the scope of charging grants, could reduce the need for canal boat owners to run diesel engines whilst stationary.

There is a growing consensus of the danger to health that is posed by PM. Much of this particulate comes from brake and tyre wear as well as deterioration of the road surface. None of these sources will be tackled by plans to invest in a transition of engine technology and whilst research in this area is welcome the Government should invest in encouraging policies that result in modal shift with all the added benefits that brings to reduced congestion and improved public health. The Government should not be prioritising expensive technical solutions when behavioural change could achieve the same goals.

The commitment to bi-mode trains is welcome as part of the strategy but a bi-mode train is only useful where there is a commitment to electrification of rail infrastructure. The strategy made no mention of the Government's commitment to increasing the amount of the rail network that is electrified and in that context the commitment to more electric and bi-mode rolling stock seems like a partial solution at best.

Q12. Do you feel that the approaches proposed for reducing emissions from Non-Road Mobile Machinery (NRMM) are appropriate or not? Why?

The LGA welcomes the review of the tax treatment of NRMM. This fuel duty rebate is being used in a way it was never intended when first introduced and runs counter to other government interventions around diesel vehicles. A diesel engine makes just as much contribution to air pollution whether it is mobile or not and if sited in an area of exceedance it will exacerbate local problems. However we would re-iterate our points on increasing the enforcement burden on local authorities that it is simply not sustainable to continue to create additional enforcement responsibilities for local authorities given the reduction in capacity across many authorities. The reality is that regulatory services, including trading standards services, will only be able to actively enforce issues that are key local

priorities, meaning that the service's response to new enforcement responsibilities will depend on the priority and available resources locally. Therefore, any new responsibilities must be resourced or will prove impossible for local authorities to enforce.

We commented in our response to the national NOx plan that diesel emissions from diesel farms is also a specific issue in some areas with NOx issues. We are pleased that the Government is examining ways the gap in regulations can be closed.

6. Action to reduce emissions at home

Q13. What do you think of the package of actions put forward to reduce the impact of domestic combustion? Please provide evidence in support of your answer if possible.

We have previously advised Government that it is simply not sustainable to continue to create additional enforcement responsibilities for local authorities given the reduction in capacity across many authorities. The reality is that regulatory services, including trading standards services, will only be able to actively enforce issues that are key local priorities, meaning that the service's response to new enforcement responsibilities will depend on the priority and available resources locally.

We are concerned that the Government's suggestions that trading standards teams enforce this do not adequately take account of the extreme pressure that local services are under following cuts of more than 50 per cent in spending in some areas as a result of reductions in local government funding and increased pressures in demand for statutory services, such as social care.

Government must work with industry groups and trade associations to ensure that there is widespread understanding of and compliance with any ban.

In order to enforce a ban on domestic combustibles, it is vital that the Government provides the resources and funding that will be needed to make enforcement a success. This includes making sure up-front funding is provided to support compliance work, and that an information campaign is undertaken to make the industry, and the public aware of the new rules. Designating lead authorities to work on this issue, and providing funding for testing, will also help.

7. Action to reduce emissions from farming

Q18. Should future anaerobic digestion (AD) supported by government schemes be required to use best practice low emissions spreading techniques through certification? If not, what other short-term strategies to reduce ammonia emissions from AD should be implemented? Please provide any evidence you have to support your suggestions.

AD has been identified as a waste management method the government wants to support, and some councils across the country have been investing significant resources in this. The government is about to publish a waste and resources strategy outlining how it aims to increase recycling to achieve the stretching targets the EU has set. This will necessitate us recycling more as a nation. The government also has the ambition to process more of this waste at home. AD will therefore most likely be in greater demand.

The clean air strategy outlines the fact that the farming industry will be getting additional support both financial and strategic to help them progress with their

ammonia emissions issues. The AD sector should also be offered a similar level of support so that they can make the progress needed within the outlined timeframe. Certification may not be the best route to deliver this as it will necessitate further investment in an industry which the government has already recognised needs financial support through its current scheme.

The waste and resources strategy could be used to introduce a voluntary code for AD plants around ammonia emissions. There could also be further incentives offered to AD plants who are willing to pro-actively address the issue.

9. Leadership at all levels

Q25. What do you think of the package of actions put forward in the leadership chapter? Please provide evidence in support of your answer if possible.

We support the intention to provide environmental standards that are at least as strong as those that would be the case if we had remained in the EU. We will respond to the separate consultation on the creation of new mechanisms to enforce environmental standards post Brexit.

EU legislation has been important in providing an external drive and regulatory framework in driving down emission levels. The model of focussing challenge at the level of national government has worked well and delivered improvements in emissions in recent decades. The establishment of a new body provides an ideal opportunity to retain this drive at a national level. Any new body should have this as its key focus. Any scrutiny conducted needs to be nationally focussed so that government is then free to decide what action it needs to take and how best to take this. A statutory policy statement will help to provide clear direction for this work.

It will be essential to keep the remit of this body clear and focused. We already have a plethora of bodies and legislation which govern this area. The new body should focus on the gaps which will arise after EU withdrawal and any new policy which will be developed in the future. A remit over a variety of government bodies or partners will not help to improve performance particularly at a time when budgets are tight, and runs the risk of the body not having a meaningful impact. The key focus should be on providing the external scrutiny and challenge which will be lost at a national level when we leave the EU.

Q26. What are your views on the England wide legislative package set out in section 9.2.2? Please explain, with evidence where possible.

The LGA supports the broad principle of simplifying and updating the statutory framework for clean air. Some of the powers are decades old and do not fully account for modern patterns of pollution.

It is difficult to provide detailed feedback without seeing the proposals. In particular it is difficult to know what types of authorities the new legislation applies to as the current set of duties and powers is split across different tiers of local government. We have dealt with some of the more specific areas of the proposals in other responses to questions.

Clarity is needed on whether responsibilities are to be moved from the tier they sit with and whether new burdens will be imposed upon authorities. It is however worth re-iterating that strengthened powers will need enforcement which will require resourcing.

Q27. Are there gaps in the powers available to local government for tackling local air problems? If so, what are they?

Many local authorities, especially those outside of London, have minimal powers to enforce restrictions to traffic movements. We have highlighted in other answers some of the powers we would like to be given to councils but the Government should examine whether local authorities have the power to manage all types of vehicle movements on their networks in order to take more robust action to limit air pollution. Such movements include yellow-boxed junctions and banned turns.

Q28. What are the benefits of making changes to the balance of responsibility for clean local air between lower and upper tier authorities? What are the risks?

Many district and county councils already work together effectively as well as they can in dealing with air pollution. However, some areas may see benefits in being able to make decisions more effectively through changes in responsibility. The biggest obstacles that prevent councils from doing more are not the administrative boundaries but a lack of resources. If and when Government considers moving the responsibilities across tiers the Government must avoid simply juggling the place where decisions are taken for the sake of administrative ease rather than effective action.

The Government must also ensure that if tiers are being asked to take on new responsibilities they must be adequately resourced financially and provided sufficient resources to manage the transition and acquire relevant expertise. It is not simply a matter of moving officers responsible across tiers as officers involved in environmental protection will have a much wider remit than just air quality. Authorities themselves will be able to provide a better view of the risks and potential benefits if and when they have more detailed proposals to review.

Q29. What improvements should be made to the Local Air Quality Management (LAQM) system? How can we minimise the bureaucracy and reporting burdens associated with LAQM?

We would seek to examine the effectiveness of the AQMA system as a whole. There are many long term areas of air quality problems that have not been resolved over many years through the AQMA process. The consultation hints that the AQMA process could be reformed through new legislation but without seeing those proposals it is difficult to provide a comment on whether they would be a more effective alternative.

10. Progress against targets

Q30. What do you think of the package of actions in the strategy as a whole?

The package of actions proposed are a diverse range of interventions across a variety of public bodies. Many of them will involve local authorities enforcing new standards or taking extra action in current areas of responsibility. Whilst all local authorities share the Government's commitment to delivering clean air there is very little prospect of significant extra activity being undertaken without extra resources provided centrally or some other means of funding the activity being made available. We should also ensure that where funding is made available it is predictable and long term so councils can plan for long term interventions which will make a difference rather than stop start interventions that can often be the result of funding being made available through competitive bidding.

Local Government collectively faces a funding gap of £7.8bn by 2025 and predicating any strategy on the idea that councils are capable of delivering significantly more than our current statutory responsibilities is unrealistic in the current financial climate. Councils are constantly seeking to innovate and provide our current air quality functions in a more efficient way but currently we are doing so in order to deliver current level of services with ever decreasing budgets.

In order for the government to demonstrate their seriousness about delivering a cleaner environment through this strategy, they need to elaborate on how all agencies involved will be resourced to do so.

Q31. Do you have any specific suggestions for additional or alternative actions that you think should be considered to achieve our objectives? Please outline briefly, providing evidence of potential effectiveness where possible.

Although it does get mentioned as a page within this strategy the LGA would welcome a much greater focus on modal shift and the local regulation of traffic movements. Local authorities currently have a constrained set of powers to manage traffic flows and the nature of vehicles using our networks. As a principal the ability to better manage traffic flows especially in urban areas could give local authorities the levers to encourage transport systems that create healthier places. Some of the practical changes we would welcome have been mentioned in earlier answers.

Q32. If you have any further comments not covered elsewhere, please provide them here. Many thanks for sharing your views with us. We will ensure these have been properly considered before the strategy is published.

LGA is pleased that the plan explicitly recognises poor air quality as a public health challenge.

Outdoor air pollution is a major public health issue costing the UK economy £20bn a year and contributing to over 25,000 deaths a year. As the House of Commons joint committee report into air quality recently concluded, we need to place the protection of public health and the environment at the centre of air quality policy, rather than focusing on technical compliance.

The strategy does not pay enough heed to the health inequality aspect of air pollution. As the document itself points out, deprived communities are more likely to be exposed to air pollution and have less access to public transport, cycle paths, walking routes, and green space. Research carried out by Imperial College London showed that there were higher concentrations of particulate matter and nitrogen dioxide in the most deprived 20% neighbourhoods in England. Air quality should be recognised more explicitly as an inequalities issue with targeted interventions needed to reduce those inequalities.

While the strategy recognises that the young and the old are at greater risk of the health impacts of air pollution, there are no clear recommendations aimed at tackling this. Children living in highly polluted areas are four times more likely to have reduced lung function in adulthood, and for older people, living near a busy road speeds up the rate of lung function decline. Strategic action to reduce childhood exposure to air pollution is particularly important to avoid respiratory problems and other health problems in later life; yet there is nothing in the strategy to give local authorities greater powers to tackle air pollution around, for example, nurseries and schools.