



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Consultation Document - Draft Local Air Quality Management Policy Guidance – LAQM PGNI (09)
Date:	3rd February, 2010.
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Relevant Background Information

The Draft Policy Guidance Document represents major aspects of policy in respect of ambient air quality management. It includes policy guidelines on air quality reviews and assessments, air quality action planning, transport planning and land use planning. It is designed to replace the previous Local Air Quality Management Policy Guidance issued in 2003 which has been used to date by Belfast City Council officers engaged in the Local Air Quality management process.

The United Kingdom is legally required to achieve European Union Limit Values for a range of ambient air pollutants and local measures are one of the most important means by which the UK Government can meet these limit values. The Draft Guidance recognises that improved air quality has significant health benefits, and determines that district councils, together with relevant authorities, are best placed to improve air quality at localised hot spots and deliver both health benefits and improved quality of life.

In August 2004, Belfast City Council declared four Air Quality Management areas across the city comprising; 1. the M1 Motorway and Westlink corridor; 2. Cromac Street to the junction of the Short Strand, Woodstock Link and the Albertbridge Road; 3. the Upper Newtownards Road and 4. the Ormeau Road. The AQMAs were declared because of a combination of exceedances of the UK Nitrogen Dioxide (NO₂) and Particulate Matter (PM₁₀) air quality objectives and EC limit values.

In May 2006, the Belfast City Air Quality Action Plan was issued. It proposed a series of measures and actions designed to deliver reductions in pollution levels by 2010. An Updating and Screening Assessment (USA) carried out in 2009 indicated that there had been some improvements. A Detailed Assessment is to be carried out in 2010 to establish what steps may need to be taken to ensure that Belfast City Council continues to meet its responsibilities under the Environment (NI) Order 2002.

Key Issues

After 7 years of engagement in the Local Air Quality Management process, considerable experience and knowledge has been built up by Council staff with regard to how best to achieve improvements in local air quality. The review of the existing Local Air Quality Management Policy Guidance is timely and necessary.

It is considered that significant aspects of the draft policy document will have a positive input and will support the Council in working towards the improvement of air quality within Belfast. This is especially the case in relation to **Section 2. – Measures to Improve Air Quality**; where a series of Annexes provide useful information and guidance.

There are however some concerns relating to **Section 1. – Local Air Quality Management – Overview of Processes and Principles**.

The 2003 Guidance Document states that “This guidance is designed to help relevant authorities, which may be a Northern Ireland Department, a district council and or any other public body, with their local air quality management duties...” This is in contrast to the 2009 Draft Document which states, “This policy guidance is principally for district councils....” and “The guidance will also be of interest to relevant authorities and other bodies associated with air quality management.”

This represents a significant shift to emphasise the role to be played by district councils over other departments and agencies. However, the fact remains that the main problems associated with poor air quality in Belfast relate to traffic pollution and hence the main controls to improve air quality from this source are largely within the remit of other agencies. At this point in time, a district council has no direct control over the other relevant authorities.

Therefore, an accountability framework needs to incorporate all agencies with a significant role to play. It has been our experience to date that some of the relevant authorities have not always appeared fully committed to the process. Consequently, there also needs to be a reporting mechanism to the DOE for all participants in the process and not just district councils.

In addition, there is a need to ensure that the new policy contains clearly defined roles and responsibilities. The attached draft response reflects this.

A full copy of the Draft Local Air Quality Management Policy Guidance – LAQM PGNI (09) is available in the Members’ library for information.

Resource Implications

None

Recommendation

It is recommended that the Committee agrees the attached draft response to this consultation document.

Decision Tracking

The Head of Environmental Health will oversee the forwarding of the response to the Department of the Environment, following its ratification by full Council.

Key to Abbreviations

LAQM PGNI (09) : Local Air Quality Management Policy Guidance Northern Ireland 2009

BMAP and RTS : Belfast Metropolitan Area Plan and Regional Transportation Strategy

BMTP : Belfast Metropolitan Transport Plan

LAQM PGNI (03) : Local Air Quality Management Policy Guidance Northern Ireland 2003

DEFRA : Department for Environment, Food and Rural Affairs

BCC : Belfast City Council

AQMA: Air Quality Management Area. Belfast City Council is required under the Environment (NI) Order 2002 to declare AQMAs where it believes UK air quality objectives prescribed in the Regulations will be exceeded.

NO₂ : Nitrogen Dioxide

PM₁₀: An air pollutant consisting of small particles with an aerodynamic diameter less than or equal to a nominal 10 µm. Their small size allows them to make their way to the air passages deep within the lungs where they may be deposited and result in adverse health effects. PM₁₀ has also been shown in some studies to bring about visibility reduction.

Document Attached

Council Response to Draft Local Air Quality Management – Policy Guidance – LAQM PGNI (09)

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Draft Local Air Quality Management – Policy Guidance – LAQM PGNI (09)

Council Response

Having reviewed the draft Local Air Quality Management Policy Guidance, Belfast City Council wishes to submit the following comments:

This draft guidance document represents major aspects of policy in respect of ambient air quality management. It includes policy guidelines on air quality reviews and assessments, air quality action planning, transport planning and land use planning. It also includes information and guidance on measures to improve air quality. It is designed to replace the previous Local Air Quality Management Policy Guidance issued in 2003.

Belfast City Council welcomes the updating of the 2003 document and finds significant sections of the draft policy as having a positive input to enable the Council to better work towards the improvement of air quality within Belfast. However, the Council has concerns that lessons learned since 2003 have not been adequately addressed in the draft document. This is especially the case relating to the power and influence that Northern Ireland Councils have in relation to the other relevant authorities involved in the process. At a recent DEFRA conference (November 2009 at which an officer from this Council was represented) it was clear that in GB, councils are also frustrated by their lack of authority to drive forward and deliver the Action Planning process. In the proposed draft document for NI, it appears that more responsibility is being placed on district councils without a corresponding increase in authority.

In the following paragraphs, Belfast City Council endeavours to raise some of these concerns.

Section 1: Local Air Quality Management- Overview of processes and principles

Belfast City Council notes that the draft Policy Guidance document highlights that the United Kingdom is legally required to achieve European Union Limit Values for a range of ambient air pollutants, and that local measures are one of the most important means by which the UK Government can meet these limit values. Moreover, the draft guidance recognises that improved air quality has significant health benefits, and determines that district councils, together with relevant authorities, are best placed to improve air quality at localised hotspots and deliver both health benefits and improved quality of life.

In August 2004, Belfast City Council declared four Air Quality Management Areas across the city comprising the M1 Motorway and Westlink corridor, Cromac Street to the junction of Short Strand, Woodstock Link and the Albertbridge Road, the Upper Newtownards Road and the Ormeau Road. The Air Quality Management Areas were declared for a combination of exceedences of the UK nitrogen dioxide (NO₂) and particulate matter (PM₁₀) air quality objectives and associated EU limit values. A source apportionment study revealed subsequently that the air quality exceedences were attributable principally to road transport emissions within the air quality management areas. The Department of Environment has indicated that across Northern Ireland, 17 of the 24 air quality management areas have been declared for exceedences of nitrogen dioxide (NO₂) and particulate matter (PM₁₀) air quality objectives associated with road transport.

Belfast City Council recommends therefore, that the proposed Local Air Quality Management Policy Guidance should place greater emphasis upon proven actions that local authorities and relevant government Departments such as the Department for Regional Development and Department of Environment Planning Service should take in order to reduce air pollution impacts from road transport.

By greater emphasis, we mean clearly defined responsibilities, accountabilities and reporting mechanisms to DoENI against actions that reduce road transport and air pollution impacts. The Department will be aware that the mechanism in England and Wales of directly linking Local Road Transport Planning funding to targets which simultaneously advantages improvements in air quality has been in place for some years. This incentivisation goes some way to addressing the responsibility that clearly in an urban authority such as Belfast would be needed. Given that the next editions of BMAP, RTS and BMTP are still in draft, now is the time for DoENI to take a radical step in order to influence this. If this is not addressed, the impact of an Air Quality Action Plan where the source of poor air quality is road transport will not improve.

The introduction in Section One, lists the organisations that the document is primarily aimed at. In the Council's opinion it should also include the Department for Regional Development, Translink and any additional relevant authorities who have a statutory responsibility as already defined in statute.

It should also be noted that LAQM PGNI (03) states, "This guidance is designed to help relevant authorities, which may be a Northern Ireland Department, a district council and or any other public body with their local air quality management duties under Part III of the Environment (NI) Order 2002". This is in contrast to the 2009 Draft Policy Document, which states, "This policy guidance is principally for district councils.....to have regard to in carrying out their LAQM duties... The guidance will also be of interest to relevant authorities, and other bodies associated with air quality management." It appears to Belfast City Council that there has been a significant shift of emphasis from a partnership of responsibility on a number of "relevant authorities" to highlighting the role of district councils.

This consultation document, whilst placing even greater emphasis on the processes and structures already in place, will not lead to a future improvement in the delivery of action plans. This has been recognised by DEFRA in its recent workshops in November 2009 where there was a clear recognition that the local authority air quality management process is not fulfilling the needed change in air quality improvement. Belfast City Council considers that the Department needs to more rigorously address this issue regionally before issuing this guidance – which merely requires more process and more consultation steps being placed on local authorities but will only compound the lack of ability of a local authority to use the "carrot and stick " approach that is now needed at central government level.

A criticism of this entire draft guidance document is that it implies an enhanced role for District Councils but fails to apply clear and appropriate responsibility and accountability to each of the relevant authorities who in our experience over several years of managing the local air quality process can in some cases not be fully committed or engaged in this process. Chapter One should be amended to reflect this.

By way of amplification, within Northern Ireland, responsibility for road transport planning rests with the Department for Regional Development and its Executive Agency, the Roads Service. The Review of Public Administration has recommended that transport planning functions should not be transferred to local authorities from April 2011 however, the Roads Service has been advised

that it should implement structural arrangements to facilitate coterminosity with new council boundaries and that it should develop procedures to provide councils with greater influence over roads-related issues and decision-making within their respective areas. Belfast City Council considers that the introduction of such procedures will provide councils with a more formalised mechanism through which to communicate transport related air quality issues to the Roads Service.

In the meantime, however, Belfast City Council recommends that the draft Local Air Quality Management Policy Guidance document should define explicitly the responsibility upon the Department for Regional Development and its agency, the Roads Service, to contribute actions towards the achievement of the UK air quality objectives and EU limit values by the relevant compliance dates.

Presently, the draft policy guidance document (page 7 paragraph 3) simply suggests that *'The chapters in this guidance covering transport and planning are relevant to those working in various government and local government departments, such as environmental health, land-use, planning, economic development and transport planning. This guidance should therefore be taken into account by those departments, and any other relevant departments, when carrying out their duties.'*

Belfast City Council feels that this is too weak and would strongly make the request that clearly defined responsibilities, accountabilities and reporting mechanisms to the DOE against actions that reduce road transport air pollution are made for each of the relevant authorities. In addition it is considered that reporting on progress should be established as the respective agency / department's responsibility and that reports must be made directly to the Department as well as to the relevant local authority.

Belfast City Council will continue to report on its actions with the Belfast Air Quality Action Plan relevant to its areas of responsibility and influence and will coordinate composite reports when provided with the appropriate information from each of the relevant authorities. Belfast City Council will also continue its role of monitoring and managing air quality monitoring networks and coordinating the Air Quality Management process in line with its statutory requirements. What it cannot deliver however, is an accountability arrangement or process for implementation of actions by the other agencies involved within the Plan. Belfast City Council is concerned that the draft document seems to suggest that this is the case.

Belfast City Council notes that the draft Local Air Quality Management Policy Guidance document also seeks to link the development of air quality policies to those policies designed to address climate change. It should be noted that since March 2001, a system of graduated Vehicle Excise Duty has been in operation for new cars based primarily on a vehicle's level of CO₂ emissions. This system of incentivisation has typically favoured diesel vehicles, which offer higher miles to the gallon and lower carbon dioxide output in relation to comparable petrol models. The recently published Department for Regional Development Northern Ireland Transport Statistics 2008-09 highlights that by 31st December 2008, 51.7% of Northern Ireland private and light goods vehicles were diesel fuelled. The Local Air Quality Management Technical Guidance LAQM.TG (09) identifies however, that increased primary NO₂ emissions are associated with the greater penetration of diesel cars into the vehicle fleet. The potential exists therefore for a conflict between climate change and air quality objectives. Accordingly, it is suggested that the Department should ensure compatibility between the Local Air Quality Management Policy Guidance document and climate change policy. Moreover, Belfast City Council recommends that additional technical guidance should be developed to enable all relevant authorities and district councils to link effectively air quality and climate change actions.

Chapter 1: Local air quality management process – an overview

Review and assessment reporting cycle – page 13.

Referring to the Review and assessment of air quality, the Local Air Quality Management Policy Guidance highlights that *'Where the objectives are unlikely to be met, the local authority must take action to work towards meeting the objectives. District councils also have a duty to continue to meet the air quality objectives beyond the deadlines set out in the regulations. An objective, for example, which was due to be met by 2005, must be met each subsequent year.'*

Referring to Part III of the Environment (Northern Ireland) Order 2002, the legislation requires that district councils periodically undertake a review of the future air quality within their districts. Where the review indicates that air quality standards or objectives are not being achieved, or are not likely to be achieved within the relevant period, then the district council is required to designate an air quality management area and prepare an air quality action plan in pursuit of the air quality standards and objectives in the designated area. The district council is required to employ powers assigned to it to achieve the air quality standards and objectives. The Order also states that Relevant Authorities are also required to exercise their powers in pursuit of the air quality objectives.

Belfast City Council considers therefore that this draft Local Air Quality Management Policy Guidance text (page 13, paragraph 1) does not accurately reflect district council obligations as articulated within the Environment (Northern Ireland) Order 2002. The Order requires that district councils should exercise those powers for which they have responsibility and furthermore, it is unclear from where the duty to continue to meet air quality objectives beyond the deadlines set out in the regulations has been derived. Moreover, it is unclear how the provisions of the Air Quality Standards Regulations (Northern Ireland) 2007 are reflected within the draft Local Air Quality Management Policy Guidance.

Again, Belfast City Council expresses its concern at the change in emphasis and language used in terms of the accountability this draft guidance implies. We do not accept this form of words and seek formal and legal clarification of the duties imposed from it. As already stated, a council such as Belfast can only act within the powers and responsibilities over which it has a legal duty and responsibility to deliver. Our experience to date, based on the effectiveness of the Air Quality Action Planning process, has been made several times to the Department detailing the key actions we as a council can deliver, and highlighting the fact that we cannot be accountable for the delivery of actions which in the action plan are the responsibility of Central Government Departments or their agencies. They need to be accountable directly to the Department for their part in the delivery process.

A change in the wording of Chapter 1 is required to address this. Our role has been clear on this point as a coordinating body. We have sought to use our influence over the past 7 years to influence and encourage innovation and commitment by the other agencies to do more to improve air quality within their regulatory influence. The Department is already aware that we have had only limited success borne out of the lack of engagement and influence in regional planning and regional and local transport planning that the Council can have.

Appraisal Process

The Council would suggest that consideration be given to ensuring that any written comments to a district council are also copied to the relevant authorities. This will help to emphasise the part they are expected to play in the process. It would also be helpful that where aspects of the report refer to issues which are relevant to one of the roles of a relevant authority and not necessarily the district council that the appraisal response reflects this.

Chapter 4: Air quality Action Plans – legal framework, principles and processes. Page 22 - Setting up a steering group.

Please note the typographical errors in the naming of some Government Departments within this draft.

Department for the Environment – Department of Environment
Department of Regional Development – Department for Regional Development.
Department of Social Development – Department for Social Development.
Northern Ireland Authority for Energy Regulation - Northern Ireland Authority for Utility Regulation.

Page 23 - Impact assessment.

It is recognised that for, many measures it will not be possible to quantify accurately benefits but it is important that district councils continue to implement measures, which are known to have benefits in terms of air quality and climate change goals, and in this case, detailed information on implementation targets should be provided. Examples would include schemes to encourage car sharing and / or cycling or the use of cleaner vehicles. Taking the latter of these the provision of information in the Action Plan on say a measure to encourage the uptake of cleaner vehicles through differentiated parking charges, the Euro standard(s) or the vehicle type that the measure is linked to, and the number of vehicles that are expected to be covered by the measure would be appropriate.

Belfast City Council highlights that Northern Ireland local authorities do not have responsibility for introducing the type of transport planning actions cited within the text. For example, Travelwise Northern Ireland is a Department for Regional Development Service initiative to encourage the use of sustainable transport options such as walking, cycling, public transport or car sharing. Moreover, car-parking charges are also set by the Department for Regional Development. Examples of transport planning and enforcement functions available to the Department for Regional Development Roads Service have been summarised in Chapter 6 of the draft policy guidance document.

Again the Council would have concerns that the text referenced above is relevant to English guidance, which is based on a different Government structure and delivery framework to that in Northern Ireland. Notwithstanding this, Belfast City Council has, and will continue to implement measures within its own Council fleet, and to encourage its staff to consider sustainable transport solutions and to use its influence and civic leadership role to encourage other organisations to do the same.

In developing and assessing an Action Plan, district councils should consider wider economic, social and environmental impacts, bearing in mind other legal requirements and policy drivers from central Government.

Section 25 of the Northern Ireland (Miscellaneous Provisions) Act 2006 establishes a duty upon public authorities, to include Northern Ireland departments, district councils, and any other person designated by the Office of the First Minister and Deputy First Minister, to act in the way best calculated to contribute to the achievement of sustainable development in Northern Ireland, except to the extent that it considers that any such action is not reasonably practicable in all the circumstances of the case. Achieving sustainable development would require such public authorities to maximise social, environmental and economic aspects of a policy or action.

Belfast City Council considers that, as an air quality action plan may draw upon contributions from a range of relevant authorities and organisations, responsibility for considering the wider economic, social and environmental impacts of a particular action or proposal should be placed with the organisation charged with its development and implementation.

Again, Belfast City Council would seek to ensure the emphasis on the district council role as in the italicised text above is amended to refer also to all the relevant authorities. A district council cannot deliver this in isolation, but would seek to encourage it alongside and on an equal basis with all relevant Government Departments and agencies.

Chapter 5 – Consultation. Consultation on Reviews and Assessments.

Belfast City Council notes a draft policy guidance requirement that district councils must consult the Department and other statutory consultees as detailed in Schedule 2 of the Environment (Northern Ireland) Order 2002 regarding the content of Updating and Screening Assessment (USA) reports. Persons prescribed under Schedule 2 of the Order include for example, adjacent district councils, competent authorities exercising functions in, or in the vicinity of, council's district and bodies or persons appearing to be representative of persons with business interests in the district to which the review or action plan in question relates, etc.

This provision appears to be a departure from the previous 2003 policy guidance in which district councils were required to consult only the Department and other relevant authorities. It was left to the district council to determine the extent of further consultation. Councils were advised, however, that there was no automatic requirement for a full public consultation.

Belfast City Council considers that given the rigorous air quality management timetable outlined in table 2, page 14 of the draft policy guidance, the requirement for a detailed assessment whenever necessary, the financial cost and time implications of completing a formal consultation and that updating and screening assessments are freely available to the public via the Air Quality in Northern Ireland website, that the extent of consultation on USAs should remain at the discretion of the relevant district council.

Chapter 6 Air quality and transport.

There were approximately 1,024,396 vehicles licensed in Northern Ireland at 31 December 2006. **(2008 - Northern Ireland Transport Statistics 2008-09).**

District council measures.

Reducing the contribution of road transport emissions is therefore a key part of local air quality management. There are a number of practical measures that councils can consider implementing to reduce levels of pollutants from vehicles. However, it should be remembered that while reducing pollution from road based transport is a significant factor in the improvement of air quality, road transport is not the only source of pollution and a balanced approach to tackling air quality should be adopted.

Belfast City Council would reemphasise that responsibility for transport planning lies with the Department for Regional Development and, therefore, there are few measures that district councils could directly implement which would reduce levels of air pollution from road vehicles. Moreover, it is unclear what is meant by the final sentence in the above paragraph - it is considered that a *Stage IV* further assessment and source apportionment study would enable district councils to accurately target and prioritise action plan measures. Accordingly, Belfast City Council requests that the italicised text above be amended to reflect the responsibility of all of the relevant Government Departments and agencies.

The statement on page 28 referring to the need for Council officers to liaise with Planning and Roads Service is essential. However, Belfast City Council would again seek to ensure that clearly defined responsibilities, accountabilities and reporting mechanisms to the DOE against actions that reduce road transport air pollution for each of the relevant authorities are incorporated.

Regulatory Measures to cut Vehicle Emissions.

To make sure that vehicles do not produce excessive emissions, new vehicle standards are backed up by emissions tests as part of the MOT. In addition, the Driver Vehicle Agency carry out around 1000 vehicle emissions checks each year as part of their roadworthiness enforcement check programme. To improve emissions performance still further, all new cars and light goods vehicles will be required to be fitted with on board diagnostic systems from 2007, which will immediately alert the driver to any irregularities in the vehicle's emissions.

The tense of this paragraph needs to reflect that on board diagnostic systems should have been introduced already.

Chapter 7 Air Quality and related issues

Land Use Planning

The Review of Public Administration has recommended that responsibility for local plans, including town centre plans and subject plans, development control, planning enforcement and consultation on all area plans and strategic policies including planning policy statements be transferred to local authorities from April 2011. The Department of Environment has recently completed a consultation into the reform of the Planning System in Northern Ireland however, ahead of the outcome of the consultation, Belfast City Council recommends that the draft Local Air Quality Management Policy Guidance should include reference to the forthcoming revised Northern Ireland planning arrangements.

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