

Rebecca Pow MP
Minister for Environmental Quality and Resilience
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21 April 2023

By email only.

Dear Minister Pow,

Response to Consultation on the draft revised Air Quality Strategy

I am pleased to submit the response of the Office for Environmental Protection (OEP) to the consultation on the draft revised Air Quality Strategy.

The need for an effective Air Quality Strategy

An effective Air Quality Strategy will make a significant contribution to the health and wellbeing of people, and notably enhance the natural environment. Early intervention could help avoid thousands of premature deaths.

We have advised previously in relation to the relevant statutory targets. In our view, the PM_{2.5} air quality target is suitably ambitious in the particulate level aimed for, but the 2040 deadline is not pressing enough considering the serious harm to human health. Our recent monitoring report showed there have been recent improvements in air quality, in some part due to societal changes relating to the pandemic. Targets are not demonstrably on track, however.

We cannot be clear that the Strategy as drafted will result in Government meeting its targets for air quality. Our recommendations (below) if followed should improve the prospects of success and moreover, allow you to assess the likely effectiveness of the overall approach at the first opportunity.

Our recommendations have been informed by independent research commissioned by us. We will shortly be publishing this on our website for you and others to consider.

The draft revised Air Quality Strategy's strengths

There is much to welcome in the draft revised Air Quality Strategy. It focuses on local authorities' important roles and responsibilities in tackling air pollution using existing powers, commitments and obligations. It sets out a reasonably clear and coherent set of actions for local authorities and the UK Government, without being overly prescriptive. We welcome this clarification and the sensible balance struck between appropriate national direction from the UK Government and giving local authorities flexibility in how to achieve air quality objectives.

We are pleased that the draft revised Air Quality Strategy provides some coherence between the wide range of relevant government actions and plans, including EIP23. We applaud the consideration of both outdoor pollution concentrations and pollution emissions, and indoor air quality, which previous publications have often considered separately.

We also welcome the proposals on a design stage emissions approach to planning, and the use of environmental assessments as a tool for enabling this. We will consider this further in our response to the Environmental Outcome Regulations consultation shortly.

Our recommendations for improving the draft revised Air Quality Strategy

We have identified six areas where, in our view, the draft revised Air Quality Strategy should be strengthened. In doing so, we respond to consultation questions 9, 13, and 16.

1. Further join up is required to make the strategy comprehensive, clear and up to date

The Environment Act 1995 s.80(1) sets out that the Secretary of State shall prepare and publish a statement containing policies with respect to the assessment or management of the quality of air. The draft revised Air Quality Strategy provides this. But it is too narrow in scope to be considered a full replacement for the previous Air Quality Strategy, as envisaged in the current consultation document.

It covers a narrower set of pollutants, and in less detail, than the previous 2011 UK Air Quality Strategy, which it replaces. There are, therefore, potential gaps and uncertainties over how each of the relevant strategies, policies and action plans interrelate.

We appreciate that re-producing published information on air quality in England would not be an effective use of resources. But the revised Air Quality Strategy should sign post other relevant publications. It should provide a more joined up and clearer explanation of how all the relevant policies, strategies and other relevant published information together form a fully revised Air Quality Strategy, capable of achieving Government's targets.

The Environment Act 1995 s.80(5) sets out that the Strategy must include statements with respect to (a) standards relating to the quality of air,(b) objectives

for the restriction of the levels at which particular substances are present in the air and (c) measures which are to be taken by local authorities and other persons for the purpose of achieving those objectives. We do not consider these are set out in a sufficiently clear way. This creates ambiguity about what Government is aiming to achieve. This should be made clearer.

The revised Strategy must also be current. For example, the revised draft Strategy cross-references the 2019 Clean Air Strategy, which is partially out of date following publication of the revised National Air Pollution Control Programme Plan this year.

2. Monitoring and evaluation should begin immediately and consider local partners' ability to resource their contributions to the strategy

We welcome the proposed audit of the use of local authority powers and assessment of barriers to delivery. Ideally, a detailed assessment would have been carried out already, as part of an ongoing monitoring and evaluation programme, and informed the draft revised Air Quality Strategy. We recommend a regular audit and assessment process is commenced immediately, to accelerate the identification of barriers and enablers to delivering Government's air quality targets. We also recommend that the audits' scope is expanded to consider local partners' ability to resource their contributions to the revised Air Quality Strategy. The audits should be published, to share lessons learned.

More broadly on monitoring progress, Government should evidence that it is giving adequate consideration to its relevant previous commitments, and to the relevant recommendations of others, such as the Environmental Audit and EFRA Committees, National Audit Office, and the Office for Environmental Protection. Our own independent research has identified well over 100 such commitments and recommendations. It is currently not possible to determine progress.

3. Emerging risks should be considered and planned for

The draft revised Air Quality Strategy fails to consider emerging pollutants. We are concerned that trade-offs in pollution abatement have not been considered adequately. We understand the draft revised Air Quality Strategy's focus on established pollutants but recommend that it also considers emerging risks and how to address them. Section 80(4)(b) Environment Act 1995 provides the Secretary of State with the power to modify the Strategy from time to time. This power could be used to include emerging pollutants in the Strategy in the future.

The independent research that we commissioned reviewed 108 air pollutants, 18 of which were considered to be emerging. Of greatest concern, are four quite different but very high-risk pollutants which receive little or no focus in the draft revised Air Quality Strategy: black carbon, ultrafine particles, chromium and sulphur hexafluoride. We recommend these pollutants are considered in a revised Air Quality Strategy.

We also identified two pollutants where the evidence base is poor: bio-aerosols derived from biological sources and micro/nano-plastics. We recommend a

revised Air Quality Strategy sets out a plan to reduce uncertainty in understanding the risks from emerging pollutants.

4. Provide a clear and detailed delivery plan for the PM2.5 targets

The EIP23 provides an outline delivery plan for achieving the statutory PM2.5 targets. Our own EIP monitoring report determined that these targets are not demonstrably on track to be delivered. Since then, we have learned that the UK saw a 28% reduction in PM2.5 emissions between 2005 and 2021, which is positive but insufficient to meet the 2021-2029 ceiling limits set by the National Emissions Ceilings Regulations.

Despite this, the draft revised Air Quality Strategy provides no further detail on how further reductions will be achieved. Chapter five provides further information on planning and policy development but no detail on implementation. A clear and detailed delivery plan is required if the PM2.5 targets are to be achieved.

5. Provide stronger provisions for local authorities with PM2.5 hotspots

PM2.5 is one of the largest risks to people's health. We have previously advised that the statutory targets' 2040 deadlines for PM2.5 are not pressing enough and should be brought forward, albeit local hotspots may require special measures. Our analysis remains that the long term PM2.5 target could be achieved a decade earlier than planned for, if PM2.5 hotspot areas were addressed. Government's interim targets set for 2028 already go some way towards achieving the long-term target. We recommend that you go a little further.

Many of the hotspot areas depend on local partners for delivery (e.g. national infrastructure partners). We recommend that Government should provide additional support in hotspot areas to accelerate the achievement of the targets. Local authorities should also be incentivised to deliver their share of the PM2.5 targets earlier than 2040, where feasible.

6. Provide supplementary guidance on reducing ammonia emissions

Local authorities are well placed to influence ammonia abatement through planning and infrastructure development. They should also consider it when developing plans to reduce PM2.5, since ammonia emissions are a precursor to PM2.5 secondary pollution. But we do not believe they can or should play a central role in providing advisory services to landowners on the uptake of ammonia reduction measures.

Some local authorities have the in-house expertise required, usually in areas where ammonia has been a longstanding challenge. But in many areas, other local partners will be better placed to provide advisory services, for example those involved in Defra's Catchment Sensitive Farming programme. Environmental Land Management and Capital Grant scheme initiatives also have a role to play. Further join up is needed to make best use of all available resources.

We recommend that Government should work with relevant industry groups and local partners to develop and provide further detail on how it plans to achieve the desired uptake of ammonia reduction measures. In developing this, we recommend that Government considers developing a specific ammonia strategy. DAERA consulted recently on a draft Ammonia Strategy for Northern Ireland and you may find our response helpful.

The consultation

We hope to see a carefully considered final version of this revised strategy, front loaded so far as possible to make the biggest possible difference to the health and wellbeing of the nation and notably enhance the natural environment. In our view, the approach to consultation is deeply regrettable and puts this prospect at risk.

Consultees have been given eight working days in which to respond. This is likely to significantly impede consultees' ability to meaningfully engage and respond. Our response is informed by the OEP expertise to hand, and by our independent research. Nevertheless, our detailed scrutiny of the draft revised Air Quality Strategy has been constrained by the consultation's unusually short duration.

There will be precious little time (just a few days) for you and your officials to consider fully the consultation responses and revise and improve the draft revised Air Quality Strategy before the 1 May 2023 statutory deadline for publishing it. Such deadlines are important, underpin delivery and should be met. But this should not be at the expense of the quality of the final strategy.

You will appreciate that this is a matter of good governance. On the face of it, foresight and adequate planning would have allowed Defra to benefit from a consultation conducted in more established ways.

I trust that our recommendations will be of assistance in finalising the revised Air Quality Strategy and look forward to its publication at the earliest opportunity.

Yours sincerely,



Dame Glenys Stacey

Chair, Office for Environmental Protection