

BRIEFING NOTE FOR MANAGEMENT TEAM

5th November 2024

The Essex Wide Air Quality Strategy

PURPOSE OF THE BRIEFING NOTE

To inform Management Team of the proposed Essex Wide Air Quality Strategy that is due to be launched in 2024 in draft form for consultation.

BACKGROUND SUMMARY

Since 1997, the government has required local Councils to review and assess Air Quality in their area with reference to the pollutants specified in the [National Air Quality Strategy](#). There has been a requirement (implemented in 2023) in relation to a statutory requirement under the Environment Act 1995, as amended by the new Environment Act 2021, for all Local Authorities to publish an Air Quality Strategy in which standards, objectives and measures for improving ambient Air Quality are to be reviewed every 5 years. This requirement is regardless as to whether the Local Authority has an Air Quality Management Area (AQMA).

Air quality is an important issue for Essex County Council (ECC) and each of the district, borough, city councils and unitary authorities (i.e. Thurrock Council and Southend Council) in Essex. There is growing evidence about the effects poor air quality has on human health, with increasing concern about the impacts of fine particulate matter (PM_{2.5}), as well as nitrogen dioxide (NO₂). Managing local air quality is primarily the role of district, borough, city councils and unitary authorities, but as air pollution crosses boundaries and we know road transport is one of the biggest contributors to poor air quality for key air pollutants such as NO₂ and PM_{2.5}, ECC also has a clear role to play. The intention is to work together, sharing our understanding, resources and best practice to help achieve the best outcomes.

The Air Quality Strategy for England sets out the strategic framework for managing air quality in England, including relevant powers, responsibilities, and further actions.

The UK Government is ultimately responsible for achieving national legally binding air quality Limit Values and Targets, with responsibilities devolved to Local Authorities¹ (rather than County Councils) in terms of achieving national Air Quality Objectives through a process known as Local Air Quality Management (LAQM).

The existing LAQM framework is summarised in the Air Quality Strategy for England, which indicates that Local Authorities must:

- Assess Air quality in their area for the specified pollutants and submit Annual Status Reports
- Declare an Air Quality Management Area (AQMA) if concentrations are above Air Quality Objectives (currently, Tendring doesn't have any areas of exceedance)
- Develop an Air Quality Action Plan for each AQMA, setting out measures to fix the problem, and dates by which they will be carried out

However, where exceedances of Air Quality Objectives are associated with an emission source within the control of another body, such as a neighbouring Local Authority, a County

Council, the Environment Agency or National Highways, such bodies can be legally required to implement improvement measures (e.g. where air quality issues are attributable to road traffic emissions, the measures required to resolve these issues typically need to be implemented by the relevant highway authority).

The Air Quality Strategy for England also indicates that all Local Authorities are expected to take proactive action to improve air quality, whether or not they have an AQMA and that Local Authorities without an AQMA should specify proactive measures they will take in an Air Quality Strategy. It is also stated that:

“As well as meeting local objectives, Local Authorities play a role in contributing to national targets. The government recognises that as a regional pollutant, many of the sources of PM_{2.5} are outside of Local Authority control. However, there are sources of PM_{2.5} over which Local Authorities do have control. Therefore, while PM_{2.5} is not currently part of the Local Air Quality Management framework, the government still expects all Local Authorities to effectively use their powers to reduce PM_{2.5} emissions from the sources which are within their control.”

ECC supports the UK Government and the relevant district / borough / city councils to identify, assess and implement measures aimed at improving local air quality. As unitary authorities, Thurrock Council and Southend Council are responsible for managing air quality in their areas.

The draft Essex Air Quality Strategy initially focusses on actions we will take over the five-year period between 2025 and 2029. This is considered a reasonable time period for actions to improve air quality to be implemented and progress to be measured. It will be important, however, that the strategy is kept under review to take account of new information, guidance and policy, and to ensure the actions within the strategy remain appropriate.

The strategy has a strong focus on road traffic emissions and the pollutant NO₂, due to the air quality issues identified in Essex to date. However, a range of other emission sources have also been considered, where appropriate, with the aim of reducing concentrations of (and exposure to) PM_{2.5}.

Although Tendring does not have an Air Quality Management Area within the district, we need to assess Air quality in our district for the specified pollutants and submit Annual Status Reports.

By adopting the Essex Wide Air Quality Strategy, it will remove the need for Tendring to draft their own strategy, whilst ensuring that we adhere to the principles set out in the strategy and continue to follow best practice in accordance with other Local Authorities throughout the County. By being part of the strategy and the Essex wide working groups, it will ensure any new legislation, regulations and guidance are discussed and that our work in monitoring and improving Air Quality in Tendring is appropriate and focussed accordingly.

CURRENT POSITION

In respect of the work being led by ECC:

- 25/10/24: All comments to be sent to ECC from all Essex Local Authorities regarding the draft strategy
- 15/11/24: ECC “aim” to have approval to go to public consultation
- 22/11/24: Essex Chief Exec Forum (discussion / presentation by ECC)
- 05/12/24: Essex Leaders & Chief Exec Meeting (discussion / presentation by ECC)

From TDC’s perspective:

Cllr Smith as Portfolio Holder for Environment has been involved in a discussion/introduction to the Council's role in monitoring and managing air quality and the draft strategy and has given his approval to TDC supporting the draft for consultation.

A formal Cabinet decision will be required to adopt the final version of the strategy when it is ready and has been adopted by ECC. This will follow a similar format to the recent adoption of the Essex Waste Strategy.

PROPOSAL

To seek Management Team's agreement to support the Essex Wide Air Quality Strategy draft for consultation.

Please note that any steer given at Management Team must be followed with the appropriate governance process for the matter being presented.

DELIVERING CORPORATE PRIORITIES

CORPORATE VISION (PRIORITIES)

- **Championing our local environment**
- **Working with partners to improve quality of life**
- **Pride in our area and services to residents**

Air Quality is relevant to all of the above corporate priorities.

RELEVANT STRATEGY – This is a new Essex wide strategy that requires adoption.

ANY PREVIOUS DECISIONS – None

KEY GOVERNANCE ISSUES AND/OR DIRECT LINKS TO OTHER MATTERS

Portfolio Holder support has been given to support the draft strategy through the consultation phase.

A Cabinet decision will be required to adopt the final version of the strategy once the consultation process has been completed and the final version adopted by ECC.

The adoption of this strategy links directly to Council priorities highlighted in the Corporate Plan and other strategies that look at the wider determinants of public health and well being.

OUTCOME OF CONSULTATION AND ENGAGEMENT

A meeting was held with Cllr Adrian Smith on the 25th October 2024. Cllr Smith has read the

proposed strategy and agrees for the Council to be part of the strategy at the consultation stage.

FINANCE, RESOURCES & CAPACITY IMPLICATIONS

- Finance: There are no financial implications to adopting the strategy as the work is already part of our statutory duty to assess Air quality in the district for the specified pollutants and submit Annual Status Reports. Some officer time has been spent attending workshops associated with the development of the draft strategy and there will be further meetings and workshops to come.
- Within existing budget? A budget already exists for the sampling and testing of Nitrogen Dioxide (NO₂) diffusion tubes in the district. The work is already undertaken by officers within the Environmental Protection Team as part of our statutory function to monitor Air Quality in the district.

Other resources (e.g. external parties):

- ECC are the lead for the strategy, and they will be responsible for reviews and updating. Officers from the Environmental Health service will attend working groups and be part of any discussions over the course of the duration of the strategy.

TDC Capacity:

- Officers from the Environmental Protection Team will continue with their work of monitoring Air Quality within the district as part of our ongoing statutory duty in accordance with the proposed strategy. No further physical or monetary resources are required. All work is overseen by the Environmental Protection Manager and the Environmental Health Manager.

Planning Policy Framework:

- The Council's Planning Service have been consulted regarding this strategy and will have commented separately.

LEGAL DUTIES, POWERS & RESTRICTIONS (EXISTING, NEW RESPONSIBILITIES OR EMERGING)

Relevant legislation includes:

- The Air Quality Strategy for England
- The Environment Act 1995
- The Environment Act 2021
- The Environment Improvement Plan 2023
- Clean Air Act
- Climate Change Act
- The Transport Act
- Air Quality & Standards Regulations 2010
- Air Quality (England) Regulations 2000 (amended 2002)
- The Environmental Targets (Fine Particulate Matter) (England) Regulations
- National Emissions Ceiling Regulations
- The Environment (Miscellaneous Amendments) (EU Exit) Regulations
- Planning Policy Framework

- County Strategies
- Local Strategies & Policy (All local Planning Authorities will be consulted)

ASSOCIATED RISKS AND MITIGATION

- **Financial** – There are no financial issues or risks to the Council
- **Service Delivery (inc. any existing projects at risk)?** – No further resource is needed placing other projects or Service delivery at risk
- **Safety** – No safety concerns or risk involved adopting the strategy
- **Reputation** – There are no concerns regarding our involvement. Being part of an Essex Wide Strategy is a positive and supports consistency across the County

NEXT STEPS & MILESTONES

Confirmation to be provided to ECC that TDC is willing to be part of the draft strategy for consultation following Management Team approval

15/11/24: ECC “Aim” to have approval to go to public consultation
 22/11/24: Essex Chief Exec Forum (discussion / presentation by ECC)
 05/12/24: Essex Leaders & Chief Exec Meeting (discussion / presentation by ECC)
 2025: Final strategy adoption by ECC and other Councils

APPENDICES

The draft Essex Wide Air Quality Strategy

Tendring District Council - Air Quality Annual Status Report (ASR) 2023

REPORT CONTACT OFFICER(S)

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