Swale's Air Quality Management

In fulfilment of Part IV of the Environment Act 1995

Local Air Quality Management

Based on Local Air Quality Management Policy Guidance (PG22) and Technical Guidance (TG22)

Swale Borough Council

2025

Contents

1. Purpose of this document

1.1. This document outlines the approach used by Swale Borough Council to meet its statutory duties involved in Local Air Quality Management (LAQM) to review and assess air quality, and to assist in taking action to improve local air quality.

1.2. This documentemnt is based on Defra's Local Air Quality Management Policy Guidance (PG22) and Technical Guidance (TG22) to explain key processes involved in carrying out the Councils LAQM duties under the Environment Act 1995 as amended by the Environment Act 2021, and subsequent regulations.

1.3. This document aims to be a reference document for new Council Members, Managers, and Environmental Health officers. It can also be used as a mechanism to provide updates over time in procedures, regulations, and statutory guidance (Defra's Local Air Quality Technical Guidance, TG22 and Local Air Quality Policy Guidance, PG22).

2. Scope of this document

2.1. This document will explain the overarching processes and procedures of how the air quality monitoring network is managed, considering but both automatic monitoring stations and NO_2 diffusion tubes. It will also outline how the Council processes the data collected and how it is reported on.

2.2. This document will outline what the Council must do if areas within the district are not in compliance with the National Air Quality Objectives and how remedial actions are taken forward to improve air quality in the form of Air Quality Management Areas (AQMA). This will include the formation of

an Air Quality Action Plan (AQAP) where necessary actions to improve areas of poor air quality within the district are provided.

2.3. The document will also detail what the council should do where levels of air quality are shown to have become compliant with the national objectives and the risks associated with not revoking AQMAs.

3. Current status of air quality in Swale

3.1. Swale Borough Council has a comprehensive monitoring network of nitrogen dioxide (NO_2) monitoring sites including measurement by automatic analysers at three locations and extensive volume of passive diffusion tube devices distributed around the district. We currently have one automatic analyser station located in Ospringe monitoring NO_2 and two automatic analyser stations, with one located in Newington and one at St Paul's Street monitoring NO_2, PM_{10} and $PM_{2.5}$ (particulates less than 10 and 2.5 microns in diameter).

3.2. Each year the Council has undertaken an annual audit which removes, adds, or relocates tubes relative to our prescribed criteria. Any new monitoring sites are evidence-based relative to traffic congestion data outlined in Swale Transport model with predicted congested areas and where new developments are or where future development is planned. Each monitoring site is also reviewed relative to local knowledge, topography, and relevant receptors. Additonal information on the tube audit can be found in section 5.4.

3.3. Air quality monitoring has identified six locations within the district that have exceeded the annual Air Quality Objective (AQO) level for NO_2 and one of these locations includes a PM_{10} declaration. Subsequently this has led to the declaration of six AQMAs within Swale Borough.

3.4. Since declaring the AQMAs and as part of our statutory duties required by the Local Air Quality Management framework an AQAP has been in place in pursuit of in improving air quality within the AQMAs and the district. In 2023

an updated AQAP was produced which outlines the strategic and local actions we will undertake to improve air quality in Swale between 2023 and 2028. This AQAP replaces the previous action plan which ran from 2018 to 2022.

3.5. The AQAP 2023 -2028 includes thirteen measures in pursuit of improving local air quality over the next five years. The progress of these measures is reported in the Councils Annual Status Report (ASR) which is sent to Defra each year as part of our statutory duties for monitoring and reporting.

3.6. Environmental Health are not directly responsible for the delivery of the majority of the actions. Each measure in the action plan has specific details of what needs to be accomplished, who is responsible for completion, what steps need to be taken to achieve it and funding opportunities (if applicable). Some of these are managed by task and finish working groups which will include relevant SBC and KCC officers.

3.7. In 2022 Defra updated their Technical (TG22) [1]and Policy (PG22)[2] Guidance for Local Air Quality Management. Key updates in the Policy Guidance relate to the current action plan, which provide clearer requirements for both district and county level councils to work together to ensure air quality is improved, as shown below (addition information is provided in section 9 of this document):

3.8. In paragraph 3.2, chapter 3 **-** "*There are obligations on both district and county councils within Part IV of the Environment Act 1995. The Environment Act 2021 ensures that responsibility for solutions to poor air quality is shared across local government*"

3.9. Paragraph 3.8 chapter 3 states "*The County Council will be required to commit to appropriate actions the county council will take to secure that air quality objectives are achieved"*.

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[1] Technical Guidance (TG22): https://laqm.defra.gov.uk/wpcontent/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf

[2] Policy Guidance (PG22): https://laqm.defra.gov.uk/wpcontent/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf

3.10. Paragraph 3.14, chapter 3 states "*the legislation requires county councils to bring forward measures in relation to addressing the transport impacts for inclusion in any AQAP*".

3.11. The air quality monitoring network also helps the Council to review and report the effectiveness of AQAP measures to reduce NO_2, PM_{10} and $PM_{2.5}$ concentrations.

3.12. As well as reporting on air pollution levels within the AQMAs, the ASR also reports NO_2 pollutions levels from the tubes distributed around the district.

4. Introduction to Local Air Quality Management (LAQM)

4.1. LAQM Pollutants of primary interest and Air Quality Objectives

4.1.1. At the core of Swale's LAQM delivery there are two pollutant objectives; these are, Nitrogen Dioxide (NO_2) and Particulate Matter (PM_{10}). As outlined in Defra's LAQM TG22, it is a statutory requirement for local authorities to regularly review and assess air quality in their area and take action to improve air quality when objectives set out in regulation are not met.

4.1.2. Whilst the responsibility for meeting the $PM_{2.5}$ targets sits with National Government; local authorities are expected to work towards reducing emissions and/or concentrations of $PM_{2.5}$ in their areas. Action to tackle PM_{10}/NO_2 can be expected to contribute towards this.

Table 1. Pollutants of Primary Interest in Swale

LAQM Pollutants of Primary Interest		
Pollutant	**Objective**	**Concentration measured as**
Particles (PM_{10})	50 µg/m^3 not to be exceeded more than 35 times a year	24 hour mean
	40 µg/m^3	annual mean
Particles ($PM_{2.5}$)	20 µg/m^3	24 hour mean
Nitrogen dioxide (NO_2)	200 µg/m^3 not to be exceeded more than 18 times a year	1 hour mean
	40 µg/m^3	annual mean

4.2. Overview of reporting

4.2.1. Swale Borough Council is required to submit an Annual Status Report (ASR) by 30th June each year. The ASR is a public-facing summary, which local authorities are mandated to complete. The LAQM website provides templates for this.

4.2.2. Should we fail to produce a draft ASR by the end of the calendar year (6 months past ASR deadline) and in the absence of engagement with the LAQM Helpdesk, the local authority may be issued with a ministerial direction under section 85 (3) of the Environment Act 1995.

4.2.3. Local authorities are expected to make the ASR available on their website at the earliest opportunity to help promote air quality locally.

4.2.4. The ASR is designed to allow sufficient understanding in the analysis of pollutant occurrence to support the identification of new non-compliant areas (i.e., 'hot spots') and to report on progress within existing AQMAs.

5. Air Quality monitoring for review and assessment

5.1. Location and siting of NO_2 diffusion tubes

5.1.1. The Council has progressively adapted the air quality monitoring strategy in accordance with air quality issues specific to our area. We have extended the monitoring network to identify potential hot spots, whilst a number of sites have been relocated to more relevant areas or have been discontinued as part of our annual tube audit, in areas where data has shown that compliance is achieved. It is essential we undertake the tube audit to ensure effective coverage within the district, whilst appropriately managing financial resources we have available for air quality monitoring.

5.1.2. The location for monitoring sites must be assessed by Swale's Environmental Health team, who consider the following factors such as:

- Nearest receptors
- Topography of the road will be assessed considering width and steepness of the road, also buildings surrounding the road and their height which can affect the dispersion of air and air pollution concentration levels.
- Traffic volume and traffic flow
- Site classification

5.2. Site classifications

5.2.1. For LAQM reporting purposes, local authorities should use the site classifications presented in TG22: Table 7-7. For example, most tube sites located within the Swale Borough are 'Roadside' sites, these will typically be within one to five metres of the kerb of a busy road (TG22: Table 7-7).

Site Type	Description
Urban centre	An urban location representative of typical population exposure in towns or city centres, for example, pedestrian precincts and shopping areas
Urban background	An urban location distanced from sources and therefore broadly representative of city-wide background conditions, e.g. urban residential areas
Suburban	A location type situated in a residential area on the outskirts of a town or city
Roadside	A site sampling typically within one to five metres of the kerb of a busy road (although distance can be up to 15 m from the kerb in some cases)
Kerbside	A site sampling within one metre of the kerb of a busy road
Industrial	An area where industrial sources make an important contribution to the total pollution burden
Rural	An open countryside location, in an area of low population density distanced as far as possible from roads, populated and industrial areas
Other	Any special source-orientated or location category covering monitoring undertaken in relation to specific emission sources such as power stations, car-parks, airports or tunnels

5.2.2. Additional site classifications can be considered and are summarised in Table 7-8. The site classifications used for the Automatic Urban and Rural Network (AURN) are those defined in the Air Quality Standards Regulations 2010 and

differ from the site classifications used for LAQM. The air information resource called UK-Air[3] provides monitoring data from the AURN. The AURN is the UK's largest automatic monitoring network and is the main network for national monitoring. When obtaining data from UK-Air, local authorities should use this table in order to work out how the site should be classified for LAQM reporting purposes. For example, a site classified in UK-Air as Urban Traffic would be either Roadside or Kerbside for LAQM reporting purposes. It is also useful to consider both classifications when site new tubes or stations.

5.2.3. For completeness TG22: Table 7-8 – Air Quality Monitoring Site Classification Used on UK-Air Website for Comparison with LAQM Classifications.

Air Quality Standards Regulations 2010 Classification	LAQM Classification	AQD 2008 Description
Urban Traffic	Roadside or Kerbside	Sites in an urban area at least 25 metres from the edge of major junctions and no more than 10 metres from the kerbside
Urban Background	Urban Background or Urban Centre	Sites in an urban area away from major roads that are representative of exposure of the general population. Urban background sites should not be dominated by single sources and should be representative of a wide area
Suburban Background	Suburban	Sites in a suburban area away from major roads that are representative of exposure of the general population. A suburban area is defined as a location type situated in a residential area on the outskirts of a town or city. Suburban background sites should not be dominated by single sources and should be representative of a wide area
Rural Background	Rural	Sites in a rural area away from roads that are representative of exposure of the general population. Rural background sites should not be influenced by agglomerations or industrial sources and should be representative of a wide area
Urban Industrial	Industrial	Site in an urban residential area downwind of specific industrial source
Suburban Industrial	Industrial	Site in a suburban area downwind of specific industrial source. A suburban area is defined as a location type situated in a residential area on the outskirts of a town or city

[3] https://uk-air.defra.gov.uk/networks/network-info?view=nondefraaqmon

5.4. Tube audit

5.3.2. As part of adapting our air quality monitoring strategy the Environmental Health team undertakes an annual audit each year to identify new potential hot spots, remove or relocate monitoring tubes to more relevant areas.

5.3.3. Table 2 shows that sites (except Isle of Sheppey) can be removed if they are below 32 µg/m^3 for 2 years or more (2 >). The Isle of Sheppey sites are removed if they are below 20 µg/m^3 for 2 years or more (2 >). This because it is a developing area, and all sites are currently low.

Table 2. SBC tube audit criteria

Tube audit criteria
All tube sites except Isle of Sheppey
Sites will be removed if they are below 32 µg/m^3 for 2 years or more (2 >)
Isle of Sheppey
Sites will be removed if they are below 20 µg/m^3 for (more than) 2 years or more (2 >). This because it is a developing area, and all sites are currently low. Relocation for sites will be considered.
AQMAs and revoked AQMAs
If tube sites are to be closed due to the above criteria, then officers need to review the number of tubes to ensure spatial coverage is achieved and consider relocating the tubes to a more suitable site or leave them in situ.
Other considerations
Some old sites may not be removed as we must also consider historical continuity and long-term trends at those sites. Other reasons a tube may also stay sited is to study the impact of a development.

5.3.4. New sites can be added based on evidence from traffic congestion data outlined in Swale Transport model, where new development exists or where future development is planned, and where congestion is observed. Traffic

flow, receptors near the road and topography of the area is also reviewed prior to relocation. These tube deployments are in line with the Defra Calendar and Local Air Quality Management Technical Guidance (TG22).

5.3.5. Excessive volumes of diffusion tubes come with an unnecessary cost both financial and staff resource for the Council. Therefore, it is essential that we manage the distribution of tube monitoring effectively through the tube audit.

5.4. Installing new continuous monitoring sites

5.4.1. Continuous monitoring stations require a permanent power supply, and (dependent upon the equipment installed), often require air-condition units and a housing. The power supply must be of sufficient rating to support the equipment to be installed. In some cases, such as roadside monitoring, it is possible to arrange to draw power from a nearby facility (such as street lighting) without having to install significant lengths of underground or over-ground cables. However, not all such installations offer an uninterrupted power supply. All electrical work is undertaken by a fully qualified and industry approved electrician.

5.4.2. It is important that the financial and other implications of embarking on a monitoring programme are fully understood before any action is taken. Significant costs can come with purchasing, installing, and running continuous monitoring analysers, including officer time in the management and maintenance of a station. In addition, there is a large amount of time involved in the coordination of setting up a monitoring station with considering planning approval, the highways agency, traffic management services, instrument suppliers, enclosure suppliers, delivery companies, air conditioning engineers, electricity suppliers, site electricians, the company that builds the plinth and the telecommunications suppliers.

5.4.3. Swale has three continuous monitoring stations with two stations monitoring PM_{10}, $PM_{2.5}$ and NO_2. This is more than any other district in Kent. The Local

Authority would consider installing a continuous analyser in areas where an exceedance of the air quality objective has been identified such as an AQMA. However, not all AQMAs can have a continuous analysis due to the significant costs and time involved in maintaining these. The decision lies with the Local Authority, as there is no guidance or legislation that requires a Local Authority to have a continuous analyser.

5.4.4. Local authorities should use the site classifications as specified in Table 7-7 for LAQM reporting purposes. However, in order to aid potential future expansion of the UK monitoring network for national compliance purposes, local authorities are encouraged to locate monitoring stations in one of the six classifications provided in Table 7-8.

5.4.5. Urban background monitoring is useful if there is a need to monitor long-term trends in pollutant concentration or population exposure. Background monitoring sites are less likely than roadside or kerbside sites to be affected by very local factors, for example changes in traffic on a particular road.

It is necessary to consider certain micro-scale siting requirements for LAQM purposes:

5.4.6. Sites should be in as open a setting as possible in relation to surrounding buildings. Immediately above the site should be open to the sky, with no overhanging trees, structures or buildings. The flow around the inlet sampling probe shall be unrestricted without any obstructions affecting the airflow in the vicinity of the sampler (normally some metres away from buildings, balconies, trees and other obstacles and ideally at least 0.5m from the nearest building in the case of sampling points representing air quality at the building line).

5.4.7. In general, the inlet sampling point should be between **1.5m (the breathing zone) and 4m above the ground**. **For security reasons, the inlet should be greater than 2m**, though it is recognised that lower sampling heights better reflect the ambient conditions encountered by members of the public.

5.4.8. The inlet probe should not be positioned in the immediate vicinity of sources in order to avoid the direct intake of emissions unmixed with ambient air.

5.4.9. The sampler's exhaust outlet should be positioned so that recirculation of exhaust air to the sampler inlet is avoided.

5.4.10. The site should not be close to local or point emissions sources unless these have been specifically targeted for investigation. For industrial sites, where specific sources are being targeted, monitoring should be carried out at the point of maximum impact as determined by modelling; and

5.4.10. For urban background or suburban sites there should be **no major sources of pollution** (for example a large multi-storey car park) **within 50m**. There should be **no medium sized emission sources** (for example, petrol stations, boiler vents, or ventilation outlets to catering establishments) **within 20m**.

5.5. Air Quality Monitoring

Below provides a summary of key aspects to be considered for monitoring:

5.5.1. Locations should be selected bearing in mind that results are likely to be used to help demonstrate the performance of dispersion. Therefore, care should be taken to ensure that the monitoring site is sufficiently close to the dominant pollution source (i.e., roadside sites) and nearby receptor.

5.5.2. Monitoring should also be undertaken at a number of background sites to obtain a representative background concentration for the area, supplementing the information provided by Defra's national background maps[4].

[4] https://uk-air.defra.gov.uk/data/laqm-background-home

5.5.3. To validate NO_2 diffusion tube data (bias adjustment), additional tubes should be exposed in triplicate at a suitable nearby automatic monitoring station, using the same monthly exposure periods as the other sites; and

5.5.4. Monitoring results, provided that they comply with QA/QC procedures are located at suitable locations relevant of worst-case public exposure and should take precedence over modelling results. Therefore, if monitoring data do not indicate a likely exceedance of an air quality objective, there should be no need to declare an AQMA.

5.5.5. For comparison with the AQS objectives, ideally, monitoring should be completed for a full calendar year. Should baseline monitoring be required for construction or demolition purposes then monitoring should be undertaken for at **least three months** prior to site activity to ascertain background levels (it would also be necessary to monitor throughout the construction or demolition phases of the work to determine impacts).

5.5.6. In Swale monitoring is undertaken at each diffusion tube location for one year. This includes monthly deployment and sampling results which is averaged for the whole year.

5.5.7. According to Defra Technical Guidance (TG22) tubes with less than 75% data capture need to be annualised. Annualisation techniques can be used to estimate an annual average from a part year average/ short-term monitoring result. For annualisation to be completed, there must be 25% annual monitoring data available.

Instructions and examples of annualisation are set out for continuous monitoring in Box 7-9 and diffusion tube monitoring in Box 7-10 within Defra's TG22 Guidance

5.5.8. In order to ensure the correct functioning of the instruments, it is necessary to attend the site periodically in order to perform local site operator duties such as

changing filters or cleaning the inlet. Equipment must also be kept in calibration in line with manufacturer specifications.

5.5.9. It is also necessary to service the instruments **every six months** in order to limit instrument breakdowns.

5.5.10. To improve the reliability and validity of the data, it is best practice that the instruments should be periodically checked by an independent organisation accredited to perform QA/QC checks to ISO17025:2017. Ideally, this should be performed **every six months**.

6. Review and Assessment Process - Annual Status Report (ASR)

The Annual Status Report should summarise local monitoring data collated by the local authority over the past five years, and particularly focus on the last year's results, comparing these against the air quality objectives. The focus should be on NO_2, PM_{10}, $PM_{2.5}$ (where appropriate).

The summary results of monitoring data should answer the following questions:

- Have there been any changes in the local authority's air pollution monitoring network (new/closed/relocated sites, change in monitoring methodology) over the past year – and if so, for which reason(s)?
- Are concentrations reducing in existing AQMAs?
- Are there any new exceedances of the air quality objectives outside currently declared AQMAs?

6.1. Core requirements of the ASR

6.1.1. To report progress on the implementation of measures in the AQAP and other measures and their impact in reducing concentrations to below air quality objectives[5].

6.1.2. To provide a summary of monitoring or any modelling data in order to assess the air quality situation in our area and likelihood of air quality breaches, and to provide the necessary evidence base for the impact of air quality measures.

6.1.3. To report on significant new developments that might affect local air quality.

6.1.4. To present information in a public-facing executive summary for the lay reader, so that the local public can more easily engage with local air quality issues and measures taken to improve it.

6.1.5. Directors of Public Health must be part of the air quality management process in local authorities in England. Working in partnership will increase support for measures to improve air quality, with co-benefits for all. It is recommended that Directors of Public Health review and approve local authority ASRs in England.

6.1.6. Should a local authority in England fail to produce their ASR by the end of the calendar year (6 months past ASR deadline) and in the absence of engagement with the LAQM helpdesk, the local authority may be issued with a ministerial direction under section 85 (3) of the Environment Act 1995.

[5] https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf

7. Air Quality Management Areas

7.1. Declaration of AQMAs based on the ASR findings

7.1.1. Local authorities have a duty under Section 83(1) of the 1995 Act to designate those areas where the air quality objectives are not being met or are likely to be shown to be at risk of not meeting them, and where people are likely to be regularly present, as AQMAs[6]

7.1.2. As advised in Defra's Local Air Quality Management Technical Guidance (TG22) if a local authority finds any places where the objectives are not likely to be achieved, it must declare an Air Quality Management Area there. This area could be just one or two streets, or it could be much bigger. Then the local authority will put together a plan to improve the air quality - a Local Air Quality Action Plan.

7.1.3. The vast majority of AQMAs in the UK are related to road traffic emissions, where attainment of the annual mean objective for nitrogen dioxide (NO_2) is considered unlikely, sometimes in association with exceedances of the 24-hour mean PM_{10} objective. By comparison, there are very few AQMAs associated with domestic, industrial or other transport-related emissions, although in Northern Ireland a number of AQMAs have been declared as a consequence of pollution associated with the residential heating sector[7].

7.1.4. Based on the information collated and reported in the Annual Status Report, the local authority should identify whether there is a risk of exceeding an air quality objective outside any pre-existing AQMAs. If this is the case, the local authority will need to proceed to the declaration of an AQMA without delay.

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[6] https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf

[7] https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf

This should be possible if the monitoring data and/or screening assessment results are deemed sufficient to conclude on the risk of exceedance and the area likely to be affected. It should also be the case if more detailed information collated over the past 12 months (such as detailed dispersion modelling of road traffic or industrial emissions) is now available and can be appended to the ASR to support the decision to declare. In England, from 2023, an **AQMA must be declared within 12 months from identifying an exceedance**.

7.1.5. Once an AQMA has been designated, an AQAP should be prepared within **18 months** following the date of designation. Progress on the AQAP should be included in the ASR[8].

7.1.6. Where an exceedance of Air Quality standards has been identified crossing the boundary of two or more local authority areas, it is possible to submit a joint AQMA through a collaborative approach between the local authorities responsible. The process for declaring a joint AQMA is the same as for an AQMA located entirely within a single local authority boundary but the LAQM.

7.2. Amendment and Revocation of AQMAs

7.2.1. The revocation of an AQMA should be considered following **three consecutive years of compliance** with the relevant objective as evidenced through monitoring. Where NO_2 monitoring is completed using diffusion tubes, to account for the inherent uncertainty associated with the monitoring method, it is recommended that revocation of an AQMA should be considered following three consecutive years of annual mean NO_2 concentrations being lower than 36µg/m^3 (i.e., within 10% of the annual mean NO_2 objective). **There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period.**

[8] https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf

7.2.2. It is not advisable for the revocation of an AQMA to be based solely upon compliance in a year not representative of long-term trends. For example, compliance being reached in 2020 may not be representative of long-term trends in pollutant concentrations due to the change in activity observed across the UK as a result of COVID-19. Where 2020 is one of many consecutive years of compliance, this may be considered for revocation.

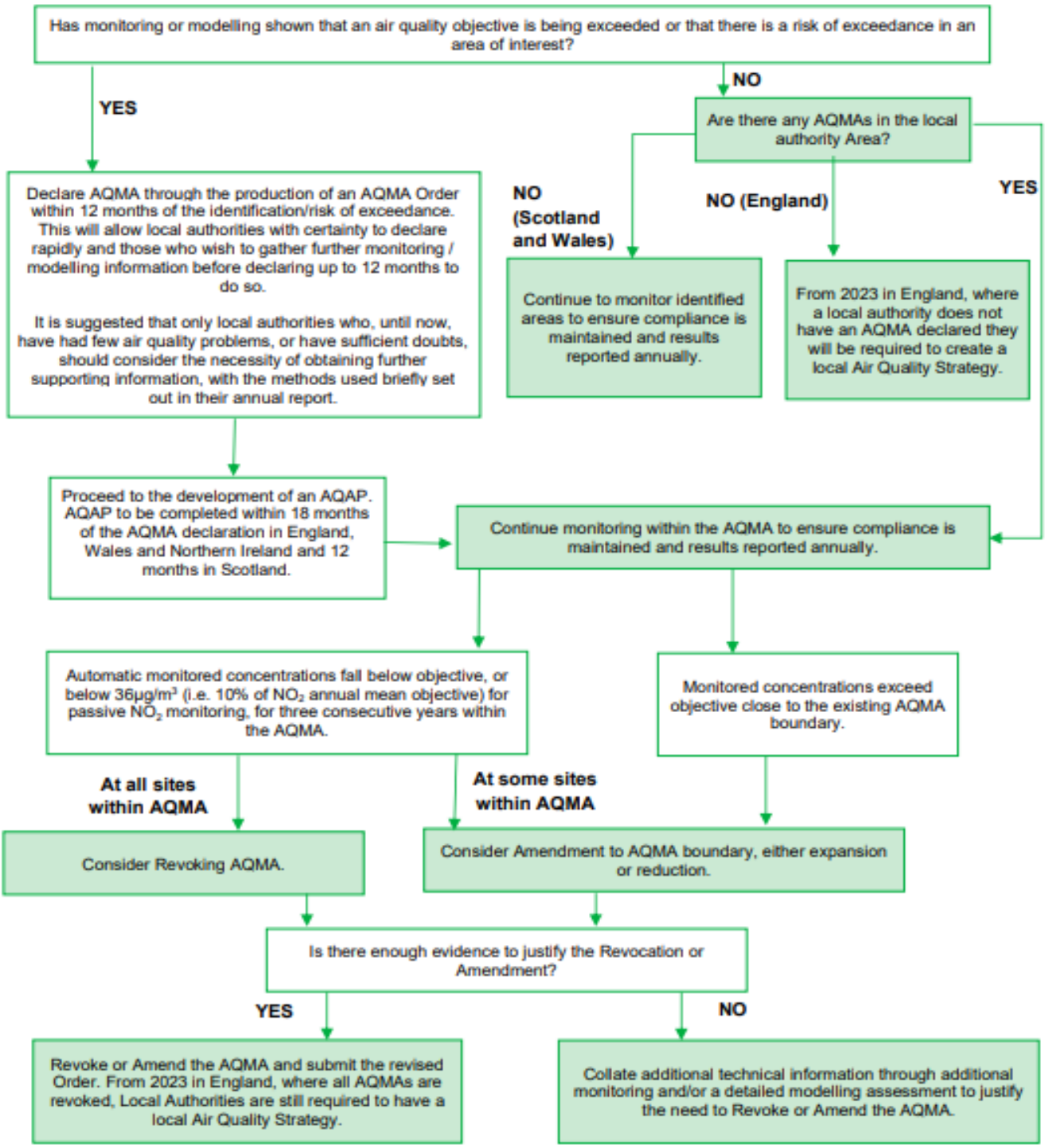
7.2.3. **Defra will not appraise AQAPs for AQMAs that have been in compliance for five years unless a likely exceedance has been identified in the area**. Local Authorities will instead be advised to revoke the AQMA. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

7.2.4. Swale Borough Council currently has **one Strategic AQAP covering all AQMAs in the district**. Therefore, keeping an AQMA in place when it should be revoked **risks Defra not accepting any amendments to the current AQAP or any new AQAPs in the future**. This has been made clear by Defra. For example, if any monitoring data identify new areas where the Air Quality Objectives are not being met, we would not be able to create an action plan for these areas, due to not revoking the AQMAs that should have been revoked. Subsequently we would be in **breach of the legislation** because we do not have an action plan for areas that should have one.

7.2.5. From 2023, following revocation of all AQMAs in a local authority area, local authorities in England should put in place a **local air quality strategy** to ensure air quality remains a high-profile issue and to ensure it can respond quickly should there be any deterioration in condition. If other AQMAs in the district are present with an accompanying strategic action plan, a section to ensure revoked AQMAs remain high profile can be included.

7.2.6. The process for declaring or revoking an AQMA is outlined in the LAQM Technical Guidance document (TG22): Box 3-2 – AQMA Process Diagram is shown below.

TG22: Box 3-2 – AQMA Process Diagram



8. Air Quality Action Plans (AQAPs)

8.1. Introduction

8.1.1. Every local authority that has an active AQMA is required under Part IV of the Environment Act and Part III of the Environment (NI) Order 2002 to provide an Air Quality Action Plan (AQAP) to address the areas of poor air quality that have been identified within the AQMA. The emphasis within AQAPs should be two-fold:

- To develop measures that will provide the necessary emissions reductions to achieve the air quality objectives within specified timescales and to set out how the local authority will exercise its functions to secure achievements of air quality objectives; and

- Act as a live document which is continually reviewed and developed, to ensure current measures are progressing and new measures are brought forward. From April 2023, it will be recommended, where possible, that local authorities in England maintain an up-to-date online version of their AQAP as a resource both for the public and for other local authorities. Local Authorities should still, as a minimum, **revise their AQAP every 5 years**.

8.1.2. Defra's Policy Guidance LAQM.PG22[9] states that, from 2023, an AQAP should be prepared within **18 months** of an AQMA being declared.

8.1.3. Once a draft has been prepared, the AQAP should be submitted to Defra/the Devolved Administration for initial appraisal at the statutory consultation stage, with the AQAP then finalised and again submitted to Defra/the Devolved Administration for approval. The draft and final AQAP can be submitted to Defra/the Devolved Administration via the LAQM Porta

[9] https://laqm.defra.gov.uk/wp-content/uploads/2023/11/LAQM-Policy-Guidance-2022.pdf

8.1.4. Directors of Public Health must be part of the air quality management process in local authorities in England. Working in partnership will increase support for measures to improve air quality, with co-benefits for all. It is recommended that Directors of Public Health review and approve local authority AQAPs.

8.1.5. Where a local authority has designated multiple AQMAs in its area, particularly if these are related to a similar emissions source, it is advised that a single AQAP should be submitted, but this should clearly address each individual AQMA in the area.

8.1.6. The Environment Act requires that AQAPs be regularly reviewed and must be revised if a local authority considers there is a need for further or different measures to be taken in order to achieve air quality standards; or if significant changes to sources occur within your local area. In England, local authorities are expected to review AQAPs at least **every five years.**

8.1.7. It is important to focus on the effective implementation and delivery of measures developed to address the specific local air quality issues. Defra has published an AQAP template to assist local authorities in England with the development of their AQAPs and ensure a consistent format for AQAP reporting.

8.1.8. Furthermore, the ASR for England provides a consistent format for local authorities to report on the progress of their AQAP and other supporting measures developed to reduce emissions towards achieving the air quality objectives.

8.2. What should be included in an AQAP

8.2.1. It is recognised that there is not a 'one size fits all' approach to developing AQAPs. They should be adapted to every local situation and most importantly are seen as part of an integrated package of measures, particularly in relation to linking with other key policy areas, notably:

- Land-use planning and sustainable development;
- Transport Planning, promoting sustainable transport, local transport management, integration with local transport plans;
- Environmental noise management;
- Climate change policies in relation to carbon management and reduction

8.2.2. Key common requirements for the development of an effective AQAP:

1. Develop the AQAP in stages;
2. Undertake appropriate local monitoring and assessment (source apportionment);
3. Decide what level of actions are required;
4. Establish links to other key policy areas / strategies;
5. Establish a Steering Group with key stakeholder groups at an early stage;
6. Undertake measures selection and impact assessment;
7. Agree monitoring and evaluation of success; and
8. Undertake consultation.

8.2.3. As a minimum, AQAPs should include the following:

- **Quantification of source contributions (e.g., HGVs, buses, taxis, other transport**, industrial or domestic sources etc.) responsible for the exceedance

of the relevant objective; knowing the source of the problem will allow the AQAP measures to be effectively targeted;

- **Quantification of impacts of proposed measures** including, where feasible, expected emission and concentration reductions (either locally obtained and/or via national monitoring/modelling statistics). It is important that the local authority shows how it intends to monitor and evaluate the effectiveness of the plan;
- **Clear timescales**, including milestones and expected outcomes, which the authority and other delivery partners propose to implement the measures within the AQAP; and
- **Defined roles and responsibilities** that detail how the local authority and other delivery partners, including transport, planning and health departments, will take ownership of the problem and in what capacity they will work together to implement the AQAP.

8.2 On-going assessment of AQAPs progress

8.2.1. The success of the AQAP is dependent upon the on-going assessment and reporting of progress in the implementation of measures and the evidence acquired from on-going evaluation of the impacts of measures that are reported through the annual LAQM report (ASR). The use of monitoring to show the decline in pollutant concentrations attributed to the implementation of measures is an obvious basis on which local authorities should provide evidence to show progress. However, for some measures alternative indicators, such as use of cycle schemes and passenger numbers on buses, can be used to report progress.

8.2.2. Local authorities should ensure that the AQAP Steering Group continues to meet on an annual basis after the adoption and implementation of measures contained within their AQAPs in order that a review of the AQAP and its progress is undertaken. Where, in undertaking their review, evidence shows that unforeseen barriers to progress have arisen, or measures are no longer

suitable, the AQAP should be updated to reflect the local authority's position. The AQAP should be maintained as a "live" strategy. Where necessary, updates to source apportionment should be made to ensure that the measures remain targeted and focused within the AQAP.

8.3. Swale's AQAP and Steering group

8.3.1. Swale's Air Quality Action Plan (AQAP) has been produced as part of our statutory duties required by the Local Air Quality Management framework. It outlines the strategic and local actions we will take to improve air quality in Swale Borough Council between 2023 and 2028. The Strategic action plan replaces the previous action plan which ran from 2018 to 2022. The measures detailed within the updated action plan are largely district-wide with some localised measures and are relevant to all AQMAs.

8.3.2. The AQAP Steering Group was formed in early 2022 to develop and deliver the Strategic AQAP update for Swale. The Steering Group is responsible for the implementation and monitoring of the delivery of the AQAP to ensure measures are kept on-track and report progress back to Defra.

8.3.3. The AQAP Steering Group is composed of Swale and KCC officers from key service areas that can influence and impact air quality improvements. The Steering Group is led by senior officers within Swale Borough Council to ensure engagement at political and senior management levels across the Council and with external partners continues.

8.3.4. The AQAP Steering group meet quarterly every three to four months throughout the lifetime of the action plan. Task and finish sub-groups responsible for implementing and delivering specific measures meet more regularly and report back to the Steering group. The task groups are to be also responsible for providing further sub-actions and associated measurable milestones.

8.3.5. Actions undertake by the Swale AQAP Steering Group are outlined in the AQAP 2023 -2028 document located on the Swale Borough Council website[10]

9. Roles and Responsibilities for two tier authorities

9.1. In 2022 Defra updated their Technical (TG22)[11] and Policy (PG22)[12] Guidance for Local Air Quality Management. Key updates in the Policy Guidance relate to the current action plan, which provide clearer requirements for both district and county level councils to work together to ensure air quality is improved, as shown below:

- In paragraph 3.2, chapter 3 - "There are obligations on both district and county councils within Part IV of the Environment Act 1995. The Environment Act 2021 ensures that responsibility for solutions to poor air quality is shared across local government"

- Paragraph 3.8 chapter 3 states "The County Council will be required to commit to appropriate actions the county council will take to secure that air quality objectives are achieved".

9.3. Districts (PG22: Chapter 3: LAQM - Roles and Responsibilities)

9.3.1. Defra advises in two-tier authorities, key functions (relating to the assessment of local air quality, designation of an AQMA and preparation of an AQAP) remain at the district council level. Under the changes introduced through the Environment Act 2021, district councils will be required to coordinate action across local government structures and public authorities. This includes

[10] https://swale.gov.uk/__data/assets/pdf_file/0019/451432/AQAP-2023-to-2028_-FINAL_05_09_23-AA.pdf

[11] https://laqm.defra.gov.uk/wp-content/uploads/2022/08/LAQM-TG22-August-22-v1.0.pdf

[12] https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/

identifying key sources of air pollution and actions that could be taken by multiple parties where necessary, identifying authorities who will need to partner the local authority in developing and carrying out AQAPs.

9.3.2. Under section 82 of Part IV of the Environment Act 1995 district councils should undertake periodic review and assessment of air quality within their area. The results of this review and assessment should be set out in the ASR.

9.3.3. Under section 83 the district council is required to designate an AQMA when the review and assessment that it has carried out indicates that any air quality objectives are not being, or are not likely to be, achieved. The district council may amend or revoke an area as appropriate in the light of subsequent reviews.

9.3.4. Under Section 83 Local authorities/district councils are required to identify sources of emissions responsible for any failure to achieve air quality standards or objectives and identify and inform the local or public authorities responsible for the emissions.

9.3.5. Under section 83A, as amended by the Deregulation Act 2015 - Part 4 of Schedule 13, once an AQMA has been designated the district council should prepare an AQAP that sets out how it will achieve the air quality standards or objectives for the area that it covers. The district council should provide information on the timescales for the achievement of measures that it can take under the powers that it has. Relevant powers and mechanisms include environmental health functions including those concerning the Clean Air Act (e.g. the ability to declare smoke control areas) and land use planning. The AQAP should be in place within 18 months of the district council declaring the AQMA.

9.3.6. Engagement with the county council should take place at the start of the process. In reviewing and assessing air quality in a local authority area or preparing an AQAP, the district council should consider any recommendations made to it by the county council in respect of the areas of responsibility falling

to the district council. It may not agree with these recommendations (see PG22, paragraph 3.22). The County Council will be required to commit to appropriate actions the county council will take to secure that air quality objectives are achieved. The AQAP will be a collaborative plan reflecting the need for upper and lower tiers to work together to reduce pollution.

9.3.7. The district council should consult on its AQAP (PG22, Chapter 5) and is expected to make a copy of the Plan and ASR freely available for public inspection on their website.

9.4. County Councils (PG22: Chapter 3: LAQM - Roles and Responsibilities)

9.4.1. County councils have obligations under LAQM as set out below and in practice they should proactively engage with the district council as soon as an air quality issue is identified.

9.4.2. County councils were already required under the Environment Act 1995 to collaborate with district councils on air quality. We have strengthened this requirement through the Environment Act 2021 making the wording clearer to avoid ambiguity.

9.4.3. If informed by a district council of its intention to prepare an AQAP, a county council must propose specific measures it will take to help secure the achievement and maintenance of air quality standards and objectives in the relevant district local authority's area, including target dates by which the measures should be carried out. District councils should incorporate county council proposals and dates in their AQAP.

9.4.4. Upper tier authorities have a duty to support district councils to carry out their functions by providing details on planned action at county level that could impact air quality (e.g. transport plans) and proposing actions they could take using powers and levers available to them. The Environment Act 1995 requires upper tier authorities to:

- Provide the lower tier authority with proposals for particular measures it will take to contribute to the achievement and maintenance of Air Quality Objectives, including a date by which each measure will be carried out.
- Deliver the actions they are responsible for as set out in the AQAPs, to the timescales defined.
- Provide assistance to the district council to coordinate action across neighbouring local authorities and with other public bodies.

9.4.5. There is very strong evidence on the significant contribution of transport emissions to air pollution in urban areas and the legislation requires county councils to bring forward measures in relation to addressing the transport impacts for inclusion in any AQAP.

9.4.6. The county council is a consultee to ASRs and AQAPs. Under section 86(2) the county council may make recommendations to the district council in relation to any review and assessment of air quality or development or amendment of AQAPs in the local authority area.

9.5. Neighbouring authorities (PG22: Chapter 3: LAQM - Roles and Responsibilities)

9.5.1. Given the transboundary nature of air pollution, emissions from sources in one local authority can contribute to exceedances of Air Quality Objectives in another. Defra advises the Environment Act 2021 amended the Environment Act 1995 to place a new duty on local authorities to work collaboratively with neighbouring authorities to create a cooperative framework that would enable authorities to tackle pollution emanating from sources outside of the local authority's area. The changes will ensure local authorities receive support from neighbouring authorities to deliver compliance with local air quality limits and objectives. The duties on neighbouring authorities require them to:

- Actively support district councils to carry out their functions. This includes providing details on planned actions that could impact air quality and proposing actions they could take using powers and levers available to them.

- Provide the relevant neighbouring authorities with proposals for particular measures it will take to contribute to the achievement and maintenance of Air Quality Objectives, including a date by which each measure will be carried out.
- Deliver the actions they are responsible for as set out in the AQAPs, to the timescales defined.

9.6. Public Health (PG22: Chapter 3: LAQM - Roles and Responsibilities)

9.6.1. Defra advises Directors of Public Health must be part of the air quality management process in local authorities. Working in partnership will increase support for measures to improve air quality, with co-benefits for all. It is recommended that Directors of Public Health approve local authority draft ASRs prior to submission and AQAPs and are directly involved in the formulation and monitoring of Air Quality Strategies, where these are present.

Further examples of joined-up working include:

- To ensure the Joint Strategic Needs Assessment has up to date information on air quality impacts on the population and the impact on health disparities;
- To work closely with local authority air quality officers in formulating the needs assessment and other air quality initiatives – e.g. have regular update meetings on key, emerging issues;
- To facilitate the consideration of air quality issues at board level within the local authority as required.

Glossary

- Air Quality Management Area (AQMA)
- Air Quality Action Plan (AQAP)
- Annual Status Reports (ASRs)
- NO_2 (Nitrogen Dioxide)
- PM_{10} and $PM_{2.5}$ (particulates less than 10 and 2.5 microns in diameter)
- Local Air Quality Management (LAQM)
- Defra (Department for Environment, Food & Rural Affairs)
- Air Quality Objective (AQO)