

Local Authority:	South Kesteven District Council
Reference:	AS23-1919
Date of issue	October 2023

## Annual Status Report Appraisal Report

The Annual Status Report sets out new information on air quality obtained by South Kesteven District Council (SKDC) as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations.

**The original report was rejected in August 2023. The major issues identified in the original appraisal have been sufficiently rectified, and the report is now considered acceptable.**

There is one Air Quality Management Area (AQMA) declared across South Kesteven District Council, which encompasses Manthorpe Road, Wharf Road, High Street and London Road within Grantham. As a result, South Kesteven District Council published their standalone Air Quality Action Plan (AQAP) in 2016. The AQAP was not reviewed due to lack of local authority resources in 2022. This will be reviewed by the Council when additional staffing resources are available. However, since this is now 7 years old, the Council must update this within the next reporting year when additional resources are available, or if it is determined that the AQMA is no longer required, they should begin the process of revoking the AQMA and preparing a replacement Air Quality Strategy (AQS).

SKDC did not undertake any automatic (continuous) monitoring during 2022. SKDC undertook non-automatic (i.e. passive) monitoring of NO<sub>2</sub> at 35 sites during 2022 with 58 individual diffusion tubes, though no new monitoring locations commenced in 2022. There were no exceedances of the AQO recorded at any of the passive monitoring sites. The maximum reported concentration in 2022 was 37.8 µg/m<sup>3</sup> at diffusion tube duplicate monitoring location SK33, 34, located on A607 Manthorpe Road in Grantham, which is slightly higher than in 2021. Overall, the trend shows that the NO<sub>2</sub> concentrations are increasing in the area since 2020.

The Council have included a detailed discussion of their approach to reducing PM<sub>2.5</sub> concentrations and emissions in the local area, and the Council have declared 42 Smoke Control Areas (SCA's), where only authorised fuels and 'exempt appliances' are not subject to the rules. The Council have also included the "D01-Fraction of Mortality Attributable to Particulate Air Pollution" indicator from the Public Health Outcomes Framework, which shows that the area has a 5.2% fraction of mortality, which is both below the average for England overall (5.5%) and the East Midlands region (5.6%).

The Council has robust QA/QC procedures, which were applied appropriately and accurately to the 2022 monitoring data with a relevant national bias adjustment factor having been determined

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and selected, as a local bias adjustment factor could not be derived due to a lack of co-location studies at any roadside locations. Annualisation was applied to one diffusion tube triplicate (SK37,38,39) monitoring location, where the data capture was 67.3%. No distance correction was carried out for the 2022 monitoring data. All calculations that were carried out were clearly outlined and justified.

The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. The LAQM Technical Guidance 2022 is clear in this respect:

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (Point 3.57, page 50).

Please be aware that unless a likely exceedance has been identified in the area, Defra will not appraise AQAPs for AQMAs that have been in compliance for five years. Local Authorities will instead be advised to revoke the AQMA.

AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM.

Local authorities that do not have an AQMA should continue to monitor for exceedances and should still have a local air quality strategy in place to ensure air quality remains a high-profile issue, thereby enabling a quick response should there be any deterioration in condition. See LAQM Statutory Policy Guidance 2022 for more information.

On the basis of the evidence provided by the local authority the report is **accepted** for all sources and pollutants. Following the completion of this report, SKDC should review the AQAP which is now seven years old and submit their Annual Status Report in 2024.

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## Commentary

The report is well structured, detailed, and provides the information specified in the Guidance.

The following comments have now been addressed for the report to be accepted:

1. Incorrect annual mean concentration data in Tables A.2 and B.1.
  - The 2022 annual mean concentration data in Table A.2 do not match with those provided in Table B.1 (from SK37 and below).

**The annual mean concentration data have now been corrected.**

The following comments are designed to help inform future reports:

2. Comments from last year's ASR have been mentioned and addressed, which is welcomed, and it is encouraged that this continues with future ASRs.
3. The AQAP is now seven years old and is therefore due for review. If it is determined by the Council that the AQMA is no longer required due to the completion of three consecutive years of compliance, an AQS should be prepared.
4. All graphs are well presented and are clear to read, with the addition of the AQQ allowing for visual analysis of the monitoring data. Formatting is consistent between all charts. The Council have also provided a detailed discussion of these trends.
5. When additional staffing resource is available, the Council should consider the relocation of some monitoring sites that continuously show low concentrations, such as site SK3.
6. NO<sub>2</sub> 1 hour mean is compliant with Air Quality Objective for ten years and the AQMA declaration for the NO<sub>2</sub> 1 hour mean objective should be revoked.
7. Defra recommends that Directors of Public Health approve draft ASRs. Sign off is not a requirement, however collaboration and consultation with those who have responsibility for Public Health is expected to increase support for measures to improve air quality, with co-benefits for all. Please bear this in mind for the next annual reporting process too.
8. A national bias adjustment factor has been applied. It would be beneficial to include a screenshot of the tool so the factor can be verified.

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9. All DT locations are illustrated on four different maps. However, it would be helpful to include a map that shows all DT locations within the SKDC boundaries.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Annual Status Report adequately (if required) or in carrying out future Review & Assessment work.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Government, Scottish Government or DOE.**

For any other queries please contact the Local Air Quality Management Helpdesk:

Telephone: 0800 0327 953

Email: LAQMHelpdesk@bureauveritas.com

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# LAQM Guidance Notes – 2023

## Changes to the Local Air Quality Management Framework

Through the Environment Act 2021 and updated Local Air Quality Management Statutory Policy Guidance 2022, the Local Air Quality Management (LAQM) framework has been considerably strengthened. This page highlights some of the changes for delivery to help you prioritise action for improved air quality:

### 1. Strengthened Criteria for Air Quality Action Plans (AQAPs)

Where a Local Authority is not meeting air quality objectives, they must create an AQAP setting out their intentions to improve air quality in the area. Without current action plans in place, Local Authorities risk negatively impacting their communities by not proactively working to reduce air pollution in the area.

The requirements and guidance around AQAPs were recently strengthened under the Environment Act 2021 and revised LAQM Statutory policy guidance, which Local Authorities must have regard to. The key criteria for action plans are that they:

- set out the measures they will take to secure the achievement, and maintenance, of air quality standards and objectives
- specify a date by which each measure will be carried out
- are revised no later than every five years

### 2. New Escalation Process for Reporting

Government is committed to increasing transparency by requiring timely and accurate publication of Annual Status Reports (ASRs) and AQAPs by local authorities, as set out in the [Environmental Improvement Plan 2023](#). These documents are public-facing and serve to keep local communities informed of the steps being taken by their local authority to improve air quality.

To ensure ASRs and AQAPs are delivered on time, Defra has introduced a new reminder and warning letter system for Local Authorities. This system was set out in the [LAQM Statutory Policy Guidance 2022](#) and started to apply from 30 June 2023.

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If reporting requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action. You are therefore advised to ensure all statutory reporting duties for LAQM are met on time.

### **3. Public Bodies Required to Contribute to Action Plans**

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with Local Authorities for LAQM. Air quality partners are certain other public bodies that a Local Authority identifies as having responsibility for a source of emissions contributing to an exceedance of local air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the local air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of Air Quality Objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a Local Authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

Under the new legislation, you may choose to request the support of another public body in the development of an AQAP and the same may be requested of your organisation.

Please refer to the LAQM Statutory Policy Guidance 2022 for more information. Should you require further assistance, please contact the LAQM Helpdesk: <https://laqm.defra.gov.uk/air-quality/featured/england-exc-london-policy-guidance/>

Web: <http://laqm.defra.gov.uk/helpdesks.html>

FAQs: <http://laqm.defra.gov.uk/laqm-faqs/>

Tel: 0800 032 7953

Email: [laqmhelpdesk@uk.bureauveritas.com](mailto:laqmhelpdesk@uk.bureauveritas.com)

The Air Quality Hub also provides free online information and is a knowledge sharing resource for local authority air quality professionals: <https://www.airqualityhub.co.uk/>

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## **Appraisal Response Comment Form**

Contact Name:	
Contact Telephone number:	
Contact email address:	UKLAQMApraisals@aecom.com

### **Comments on appraisal/Further information:**