

LES Partnership Response to Defra Discussion Paper- *'Review of LAQM'*

1. The **LES Partnership welcomes the opportunity to comment** on the LAQM Discussion paper (November 2011). It provides an informative view of progress to date, the challenges faced and the solutions, which are proposed.
2. The **Partnership response** to the paper is provided as a **Summary** (this document), which considers the overall analysis presented by Defra and also comments on the scope of proposed solutions. Where reference is made to specific sections of the Defra report, this is indicated in square brackets and capital letters (i.e. [HEADER]).
3. Superscript reference numbers refer to the relevant section in the accompanying **LES PARTNERSHIP WORKING PAPER ON LAQM (DRAFT)**; which is provided to DEFRA, in confidence, and should not be shared with external parties without Partnership consent.
4. It would be useful for the [OVERVIEW] to establish a clearer sense as to the **Overall Policy Aims and Priorities**¹, which are driving the present review. The [CONTEXT] refers to limit values (and other EU air quality policy objectives), to fair division of local/national responsibilities and also to air quality as part of a wider Public Health agenda. These are complex aims, with strong overlaps, but also differences and tensions. It is particularly important to establish the relative importance and priority given to ***'ensuring ultimate compliance with EU limit values, and limiting liabilities associated with potential infraction;*** compared with ***'to maximising cost effective public health and environmental protection through local action on air quality'***.
5. The [CONTEXT] provides an informative summary of the **local-national policy situation**, giving for example emphasis to both EU infraction proceedings and also to pressure on public sector resources. However, in doing so it misses some important observations, which are also relevant to the LAQM review:
 - Whilst important for EU compliance and as a link to health metrics, there are known **limitations of the limit value approach** in that (i) significant harm occurs at sub-limit value concentrations for some pollutants, and (ii) the technical and practical barriers to use of limit values for driving effective air quality action, especially at local level.
 - Some measures to address air pollution require a **national or international approach**. It is vital therefore that National Government shows leadership and commitment in meeting its responsibilities and securing improvements in national air quality.
 - **Local action** (i.e. action mediated by local authorities) represents one of the most important mechanisms for reducing air pollution and improving air quality. It is therefore equally vital that Local Government shows leadership and commitment in meeting its responsibilities and securing improvements in local air quality and reducing local emissions
 - The **trans-boundary nature of air pollution** means that demonstrating the benefit case for local action can be most effective when considered cumulatively and collectively at national (or regional) level.
 - The **balance of powers, resources and influence** between local and national government mean that some local solutions may only be practical with significant national level support and commitment.
 - The threat **of European infraction** in combination with the **'reserved powers'** contained within the localism bill, present a unique focus for political will at both local and national level. This presents an opportunity to drive practical, constructive and cooperative action. Equally, it carries a **threat that the situation could degenerate into a defensive, legalistic and costly 'blame game'**, diverting precious attention and resource away from the tackling the serious harm caused by air pollution.

- The desire to streamline processes and **reduce local burdens**, carries an opportunity for establishing an efficient, effective and appropriately resourced system of local air quality management, which is fit for purpose in both the near and longer term. Equally, **it threatens to 'facilitate resource leakage'** through cuts to local service provision and encourage weaker local level environmental protection and standards for public health.
 - Overall, the LAQM framework is the product of a very different regulatory era. Since its introduction, both our understanding of air pollution and also the politics of local environmental regulation have evolved significantly. This is important, to the extent that **LAQM itself creates barriers to effective local-national (and also local-local) working**, rather than helping to reduce them.
6. **The proposed [SOLUTIONS] are all appropriate**, reflecting an important drive towards:
- Efficient Regulation²
 - Streamlined and Integrated Technical Activity³
 - Stronger Local action⁴
 - Clarity on the Local Role for PM2.5^{2,9}.
7. It would be helpful to provide greater detail for each [SOLUTION] to explain what each is intended to achieve (i.e. **explicit objectives and specific success criteria**). This would add clarity and precision to the **problem definition** aspect of the paper. It would also provide explicit terms of reference for assessing the effectiveness of the detailed **proposals for action** presented subsequently in [SECTIONS 1-5].
8. **The Partnership recommends additional 'Solutions'** (i.e. objectives for the review) as follows:
- **Acknowledge and address the severe practical and technical limitations of 'limit value compliance,' as the principal metric for local level air quality management. Review options for emissions-based metrics to be used alongside.**^{3,4,5,7,8}
 - **Acknowledge the sensitive relationship between local and national government in relation to air quality and work to foster stronger mutual commitments and cooperative action.**⁷
 - **Review the overall LAQM structure and underpinning philosophy to ensure that it becomes and remains fit for purpose in light of significant developments since its introduction across technical understanding, policy making and political dynamics.**
9. A further, though no less important consideration for the review is that effective local action requires effective local management and effective local delivery. Proposed changes to the LAQM approach, not least the shifting of the balance of effort from diagnosis to delivery will impact on local level roles and resourcing. Specifically, there is likely to be a shift from reliance primarily on 'technical expertise' towards strong 'management and delivery skills.' This may point towards a review of training and support needs. More fundamentally, it may point to substantial re-structuring of local level resourcing and service provision for air quality. **The review should therefore consider: (i) potential support solutions, including opportunities for efficiency through a 'coordinated national approach on Air Quality Practitioner Roles, Competency and Training' and (ii) opportunities for encouraging 'evolution and innovation in Institutional culture, capacity and delivery approach'.**⁶