

Local Authority:	<b>Exeter City Council</b>
Reference:	<b>ASR23-1659</b>
Date of issue	<b>July 2023</b>

## **Annual Status Report Appraisal Report**

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

ECC currently has one Air Quality Management Area (AQMA) within its area. This was first declared in March 2005 for exceedances of the annual mean NO<sub>2</sub> Air Quality Objective (AQO). This was first amended in April 2007 and further amended in May 2011 to add a further declaration of exceedances of the 1-hour NO<sub>2</sub> AQO. No new AQMAs need to be declared due to no exceedances of the annual mean NO<sub>2</sub> AQO being recorded outside of the AQMA in 2022. The current AQAP was published in 2019 and is considered to be up to date.

ECC has now achieved 4 years compliance with the 1-hour NO<sub>2</sub> AQO so this particular declaration could be considered for revocation. ECC have decided to review the AQMA in 2024.

ECC undertook automatic monitoring at 2 sites and non-automatic NO<sub>2</sub> diffusion tube monitoring at 84 sites in 2022. In 2022, 1 exceedance of the annual mean NO<sub>2</sub> AQO was recorded. In 2022, the highest NO<sub>2</sub> annual mean concentration was recorded at site DT57 at East Wonford Hill which recorded a concentration of 40.6µg/m<sup>3</sup> (relevant exposure) which is a decrease on the concentration of 42.2µg/m<sup>3</sup> recorded at the same site in 2021.

QA/QC procedures have been applied, with the local bias adjustment factor being used. This factor has been used because the Exeter RAMM co-located tubes show good overall precision and data capture and are thought to be representative of local conditions. In 2022, no monitoring sites required any distance corrections. In 2022, 2 non-automatic NO<sub>2</sub> diffusion tube monitoring sites (sites DT71 and DT74) and 1 automatic monitoring site (site CM1) required annualisation. With the annualisation, the annualised NO<sub>2</sub> annual mean concentrations at these sites were still well below the NO<sub>2</sub> annual mean AQO. Calculations have been provided for these adjustments and they appear robust.

The ASR discusses what measures with the Action Plan table (Table 2.2) have been implemented which range from implemented new transport links and Park & Change facilities, to promoting and expanding the Co-Bikes network and supporting the roll out of electric car club vehicles to more locations. The ASR also discusses what measures were completed in the reporting year of 2022 which range from the continuation of the implementation of its Physical

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Activity Strategy to constructing a large solar array with battery storage at Water Lane to power a fleet of electric refuse collection vehicles (the first three of which were delivered in 2022). The ASR discusses what measure are to be completed over the course of the next reporting year which range from further refinement of the net zero plan for Exeter to enabling the delivery of a Water Lane low traffic neighbourhood through redevelopment of brownfield land. The ASR also discusses the ECC's priorities for the coming year which to continue to progress with a new AQAP in conjunction with the development and implementation of the ECC's Climate Emergency plan.

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 conclusions reached are **accepted** for all sources and pollutants. Following the completion of this report, Exeter City Council should submit an 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 are designed to help inform future reports:

1. Figures A.1 to A.4 clearly show the recorded results at each monitoring location against the relevant AQO. This allows the reader to easily compare the recorded results against the relevant AQO and to see how the recorded results have changed at the same locations over the last 5 years. This approach is encouraged for future reports.
2. Figure D.1 contains good quality maps showing the location of each monitoring site. This allows the reader to clearly see where each monitoring site is in relation to major roads and to see if the monitoring network is still fit for purpose. This approach is encouraged for future reports.
3. 'Distance to Relevant Exposure' and 'Distance to kerb of nearest road' have not been filled in for sites DT68 – DT71, and DT74 in Table A.2.
4. 'Key Performance Indicator' has not been filled for measures 10 and 16 in Table 2.2.
5. The revocation of the 1-hour NO<sub>2</sub> annual mean declaration for the AQMA should be considered as 4 years compliance with this declaration has been achieved by ECC.

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: [laqmhlpdesk@uk.bureauveritas.com](mailto:laqmhlpdesk@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:	UKLAQMAppraisals@aecom.com

**Comments on appraisal/Further information:**