

Local Authority:	Cotswold District Council
Reference:	ASR23-1778
Date of issue	July 2023

Annual Status Report Appraisal Report

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

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.

Cotswold District Council have declared two AQMAS:

- Air Balloon Roundabout, Birdlip – declared in 2008 for exceedances in the NO₂ annual mean objective
- Thames Street, Lechlade – declared in 2014 for exceedances in the NO₂ annual mean objective

The Lechlade AQMA has been compliant with the NO₂ annual mean objective for 6 years. The Council have not yet initiated the revocation of this AQMA due to traffic levels still being affected by the COVID-19 lockdowns. Figure 3.3 highlights that concentrations within the AQMA have been below the objective since 2017. Not including years affected by COVID-19 (2020 and 2021), this provides enough evidence that the AQMA should be revoked. The LAQM Technical Guidance 2022 is clear in this respect.

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.

"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.

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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.

Cotswold District Council did not undertake any automatic monitoring in 2022.

Passive monitoring was undertaken at 16 passive monitoring sites across the District in 2022. This includes two sites in the Lechlade AQMA and one site in the Birdlip AQMA. A maximum NO₂ concentration of 42.1 µg/m³ was recorded at NAS39, located within the Birdlip AQMA. Concentrations within the Lechlade AQMA remain well below the objective, with a maximum concentration within the AQMA of 28.7 µg/m³. NO₂ concentrations have increased at seven sites since 2021, including at NAS37 in the Lechlade AQMA and at NAS39 in the Birdlip AQMA.

QA/QC procedures have been discussed. No annualisation was required as all monitoring sites had a data capture greater than 75%. Distance correction was required for one site, NAS39, as the site is not at relevant exposure and recorded a concentration greater than 10% of the annual mean objective. Following distance correction, this site had an adjusted concentration of 29.1 µg/m³. This is well below the annual mean objective. A national bias adjustment factor of 0.76 was used for adjustment of monitored concentrations. No local bias adjustment could be determined as no co-location study was completed.

The Council have highlighted that a proposed link road between the M4 and M5, which bypasses the Air Balloon Roundabout, is expected to begin construction in Autumn 2023. The Council have detailed the findings of the air quality assessment associated with this proposed scheme and have stated that no exceedances of the NO₂ objective are expected with the scheme operational. Improvements in NO₂ concentrations are expected at nearby receptors as a result of traffic flows moving further away.

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, Cotswold District 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. The Council are strongly encouraged to review data and begin the process of revoking the Lechlade AQMA. Concentrations within this AQMA have consistently been below the objective since 2016. This provides over three years of compliant pre-pandemic, which is sufficient evidence for the revocation of the AQMA.
2. Two monitoring sites, NAS27 and NAS32 were moved at the beginning of 2022. It would be useful for the Council to highlight the reasoning for the movement of the monitoring sites.
3. There are a few minor formatting errors within the report including:
 - a. Cross-referencing errors in Section 2.2.2 and Section 3.1.2
 - b. The exceedance recorded at NAS39 is not in **bold** within Table A.2.
4. The Council is commended for adding additional monitoring locations to assess the impact of the School Streets scheme and should continue monitoring at these locations to fully assess impacts.
5. Figures and graphs have been provided which are clear and well-presented. The location of monitoring sites on the provided figures are easy to determine.
6. It may be useful to clarify what "NR" stands for within Table F.1.
7. The current AQAP for the Birdlip AQMA was published in 2011. The Council is encouraged to update this AQAP to ensure measures are appropriate for current conditions.

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

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: