

Response Summary

There were eight responses to the consultation. The respondents comprised of four district councils, the Chief Environmental Health Officers Group, Northern Ireland Environment Link (NIEL), the Department for Regional Development (Transportation Unit), and Disability Action.

1.	Welcomes the updating of the 2003 document and find significant sections as having a positive input to enable them to better work towards the improvement of air quality. However there is concern that lessons learned since 2003 have not been adequately addressed in this draft document.
Response	Noted. The Department feels that the re-drafted introductory text, outlining roles and responsibilities (see Answer 7) will help to clarify this matter. Some of these wider concerns will be considered as part of the UK-wide review of LAQM.
2.	Concerned that future financial cuts will compromise the monitoring of the performance of district councils in relation to air quality improvement and the provision of advice on pollution matters to district councils by the NIEA.
Response	Approval has been granted for a further 3 years funding of the LAQM monitoring programme, with funding to councils being dependent on the usual scrutiny and controls.
3.	Suggests that the phrase 'work towards [objectives]' is weak, and recommends that 'work towards' be replaced by 'meet'. Suggests that if the aim is only to work towards objectives then the objectives will never be achieved.
Response	This wording reflects that of the current Air Quality (NI) regulations. This issue will be further considered during the Department's consideration of the outcome and recommendations of the UK-wide Review of Local Air Quality Management.
4.	Refers to the introductory letter to consultees in which reference is made to councils Review and Assessment of air quality commencing in April 2009: '...the draft document is already one year or more behind schedule. This does not inspire confidence.'
Response	The introductory letter of the consultation refers to the 4 th Round of Review and Assessments of Air Quality, which commenced in April 2009 with the Councils' Updated Screening Assessments. The Department does not feel that the current round is behind schedule.
5.	Notes a typographical error – 'compliments' used instead of 'complements'.
Response	Noted

6.	Notes that Section 2 is potentially more useful to authorities such as DRD road service and Translink
Response	Noted
7.	Recommends that the draft LAQMPG should define explicitly the responsibility upon the Dept for Regional Development and the Roads Service.
Response	<p>The Introductory Section to the Guidance will now including the following text:</p> <p>Under the Environment (Northern Ireland) Order 2002, District Councils have a duty to cause a review of air quality in their district. Subsequently an assessment must be made of whether air quality standards and objectives are, or are likely to be achieved. Where it is likely that the standards and objectives are not being achieved, then the council has a duty to designate an Air Quality Management Area (AQMA) for that area.</p> <p>Following designation of an AQMA, the district council must prepare an Action Plan which sets out proposals to bring about compliance of the relevant air quality standards and objectives in that area.</p> <p>This guidance recognises that proposals to meet AQ standards and objectives by other relevant Competent Authorities may be a necessary part of any Action Plan, (as outlined in Regulation 2 of the Air Quality Regulations (Northern Ireland) 2003).</p> <p>Therefore, chapters on transport and planning should be taken into account by those competent authorities as set out in Regulation 2 of the above regulations.</p> <p>These competent authorities are: The Department for Regional Development; the Department for Social Development; the Department of Enterprise, Trade and Investment; The Department of Health, Social Services and Public Safety; The Department of the Environment; District Councils; The Northern Ireland Authority for Energy Regulation; and the Northern Ireland Housing Executive.</p> <p>This guidance is also relevant to those authorities involved with policy development affecting land-use or transport planning, for example: authorities involved with economic development, and with regional transport planning.</p>

8.	Questions the statement that the chapters in this guidance covering transport and planning are relevant to those working in environmental health, land-use, planning, economic development and transport planning, when carrying out their duties. It is felt this is too weak and strongly requests that clearly defined responsibilities, accountabilities and reporting mechanisms to DOE against actions that reduce road transport air pollution are made for each of the relevant authorities.
Response	See response to comment No. 7.
9.	Concerned that whilst Councils will continue to report on actions with Air Quality Action Plans, and with their role of monitoring and managing air quality monitoring networks, they cannot deliver an accountability arrangement or process for implementation of actions by the other agencies involved within the plan which it is felt this document seems to suggest.
Response	Concerns noted. These will be considered during the Department's review of recommendations and conclusions from the UK-wide Review of Local Air Quality Management.
10.	Notes that the draft LAQMPG seeks to link the development of air quality policies to those policies designed to address climate change, and feel there could be a conflict between climate change and air quality objectives. It is suggested that the Dept ensure compatibility between LAQMPG and climate change policy. Recommends that technical guidance should be developed to enable all relevant authorities and district councils to link effectively air quality and climate change actions.
Response	The Department is a signatory to 'Air Pollution: Action in a Changing Climate' (March 2010) – which sets out the main issues concerning air pollution and outlines the links between measures to address air pollution and climate change. The Department acknowledges the importance of linking air quality and climate change actions but considers that this is more appropriately addressed in policy and practice guidance, rather than in technical guidance which is intended to assist in councils' assessment of air quality and emission sources. The Department views the 'Air Pollution: Action in a Changing Climate' report as a starting point in developing policy, and will bear in mind any climate change related outcome from the UK review of LAQM.'
11.	Chapter 1: Review & Assessment Reporting Cycle Concerned that the draft LAQMGP does not accurately reflect district council obligations as articulated within the Environment (NI) Order 2002. It is felt to be unclear as to how the provisions of the Air Quality Standards Regulations (Northern Ireland) 2007 are reflected within the Local Air Quality Management Policy Guidance.

Response	<p>Noted. The Department will alter the relevant paragraph to state that where a district council has identified an area at risk of exceedence, then it has a duty to declare an Air Quality Management Area, and to consult with relevant authorities in developing an Action Plan to deal with the exceedence.</p> <p>The Air Quality Standards Regulations (Northern Ireland) 2007 relate to the duty of NI Departments in meeting air quality standards and objectives according to zones or agglomerations within Northern Ireland. As such, these regulations are not part of the LAQM process, and do not feature in LAQM policy guidance.</p>
12.	<p>Appraisal Process Suggests consideration be given to ensuring that any written comments to a district council are copied to the relevant authorities – to help emphasise the part they are expected to play in the process. Also where aspects of the report refer to issues which are relevant to one of the roles of a relevant authority and not necessarily the district council, that the appraisal response reflects this.</p>
Response	<p>Noted. The Department will give consideration in future to relevant authorities being copied in to relevant documentation.</p>
13.	<p>Chapter 1: Review and Assessment Reporting Cycles Suggests that district councils be 'required' rather than 'expected' to carry out Review and Assessment every three years</p>
Response	<p>The Environment Order (NI) 2002 states that each district council must review local air quality, and that each review must then cause an assessment. It does not specify the time period or frequency of such reviews and assessments. However councils should have regard to the review and assessment timetable as set in the policy guidance.</p>
14.	<p>Chapter 3: Air Quality and Management Areas (AQMAs) Suggests that the point regarding designating numerous smaller air quality management areas in order to allow district councils to demonstrate progress by 'ticking off' individual areas as the air quality improves be removed, as this does nothing to improve overall air quality.</p>
Response	<p>The Department feels that District Councils should be allowed the flexibility to deal with Air Quality 'hotspots', in the most cost-effective manner possible. This approach is reflective of the local aspect of Local Air Quality Management, and is designed to work in tandem with higher level programmes and regulations, such as the UK-wide Air Quality Strategy.</p>

15.	<p>Chapter 4: Impact Assessment Highlights the fact that NI local authorities do not have responsibility for introducing the type of transport planning actions cited within the text. Concerned that this text is relevant to English guidance, which is based on a different Government structure and delivery framework to that in NI. Wishes to know if the Department proposes to amend this.</p>
Response	Noted. However, this information was provided as good practice for the relevant authorities to consider by way of Action Plan measures.
16.	<p>Cites part of the guidance which states that 'In developing and assessing an Action Plan, district councils should consider wider economic, social and environmental impacts, bearing in mind other legal requirements and policy drivers.' Requests that this text is amended to refer also to all the relevant authorities.</p>
	Noted. The text will be amended to reflect the duty of relevant authorities in this regard.
17.	<p>Chapter 5: Consultation Notes that the draft policy guidance requires district councils to consult the Department and other statutory consultees regarding the content of Updating and Screening Assessment reports. States that this appears to be a departure from the previous 2003 policy guidance in which district councils were required to consult only the Department and other relevant authorities.</p>
Response	Noted. The Department will amend the guidance to specify the relevant consultees according to Schedule 2, para 1(1) of the Environment (Northern Ireland) Order 2002.
18.	Is pleased to see that the NIEA continues to provide a range of support to district councils but would like some assurance that this will continue despite potential staff cuts from the current financial situation.
Response	The Department believes that the respondent is referring to <i>DOE's</i> support of local councils in the LAQM process. The Department will continue to provide support in this regard. Funding has been secured for a further 3 years of LAQM programme support to District Councils from 2010 to 2013.
19.	<p>Notes favourably the advice throughout the consultation section in the document to engage stakeholders and to publicise air quality initiatives. Suggests that public notices regarding air quality activities could be regularly displayed on the websites of the district councils, the Department, and other authorities involved.</p>

Response	Noted. The Department will include a suggestion in the guidance that District Councils and other relevant authorities may wish to publicise this information.
20.	Chapter 6: Air Quality and transport: District Council Measures Notes that the report states a number of practical measures that councils can consider implementing to reduce levels of pollutants from vehicles. Requests the text is amended to reflect the responsibility of all the relevant Government departments and agencies in tackling air pollution.
Response	See response to comment No. 7. In addition: DRD will work with DOE to consider if guidance could be made more explicit.
21.	Welcomes the intention that that the chapters covering transport and planning will be taken into account by those working in relevant government and local government departments.
Response	Noted.
22.	Highlights the importance of the Air Quality and Transport chapter, noting that 17 of the 24 AQMAs list pollutants from roads as the main source of poor air quality.
Response	Noted.
23.	Regulatory Measures to cut Vehicle Emissions Requests that a paragraph relating to vehicle standards is amended to reflect that 'on board diagnostic systems' referred to in the text, should have been introduced already.
Response	Noted. The text will be amended appropriately.
24.	Highlights a 50% reduction in PM10 and NOx between 1990 and 2000 and a further expected decline of 30% by 2010, which is stated in the guidance. Points out that it is unclear whether these figures apply to Northern Ireland or the UK as a whole.
Response	These figures apply to the UK as a whole. This will be reflected in the document.
25.	Cites concerns over future trends in vehicle emissions and refers to the role of a Regional Transportation Strategy in Northern Ireland in reducing private car transport, and in reducing air pollution.
Response	Noted. The Department for Regional Development is responsible for regional transportation strategy. DOE will continue to work with DRD in considering the effects of transport on levels of air pollutants.
26.	Points out that The Centres for Excellence for Integrated Transport Planning Initiative was set up in 2001. Is of the opinion that there is nothing to show for the last 9 years of the review and questions whether the initiative merits being mentioned in the document.

Response	DfT has advised the Department that this initiative refers to a funding stream which no longer exists. Accordingly, we have removed reference to this initiative.
27.	Land Use Planning Recommends that the draft guidance should include reference to forthcoming revised Northern Ireland planning arrangements.
Response	Any revised planning arrangements which have been approved and announced by the Minister will be referred to in the guidance.
28.	Highlights some typographical errors and an updated hyperlink.
Response	Noted