

Appendix D: Overdue Air Quality Action Plan - Warning Letter



From: SM-Defra-Air Quality (AQIP) <Air.Quality@defra.gov.uk>
Sent: Wednesday, November 1, 2023 6:29 PM
To: Control, Pollution <Pollution.Control@spelthorne.gov.uk>
Subject: Overdue Air Quality Action Plan - Warning Letter

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Department
for Environment
Food & Rural Affairs

T: 03459 335577
helpline@defra.gov.uk
www.gov.uk/defra

Date: 1 November 2023

FAO: Environment Health / Air Quality Manager

Local Authority: Spelthorne Borough Council

Copy to: Upper tier / combined authority

Local Air Quality Management (LAQM) – Overdue Air Quality Action Plan (AQAP)

Date of last AQAP: 2005

WARNING LETTER

Dear Local Authority

Our records show that as of the date of this letter, you do not have a valid Air Quality Action Plan (AQAP) in place for an Air Quality Management Area (AQMA) in your local authority and Defra has not agreed a revised submission date for your AQAP.

This is your warning letter and the second notice we have sent to your local authority on the matter. Your local authority must submit an AQAP to Defra via the LAQM Portal by 31 December 2023 to avoid a final warning being issued. Failure to comply with the final warning can result in a Secretary of State direction being sent to the chief executive of your local authority.

Air quality is the biggest environmental threat to health. Since 2010 we have seen significant improvements in air quality; fine particulate matter has fallen by 10%, emissions of nitrogen oxides have fallen by 45% and sulphur dioxide by 73%. It is important to take continued action to reduce communities' exposure to air pollution.

Where there is an AQMA declared for an exceedance of an air quality objective, it is a legal requirement for the Council to have an AQAP in place (Environment Act 1995 as amended). The purpose of an AQAP is to set out your plan to meet local air quality objectives and ensure that compliance is maintained. Failure to produce an AQAP and regularly review the actions in it risks exposing the local community to poor air quality.

The [Local Air Quality Management \(LAQM\) Statutory Policy Guidance 2022](#) states that following the declaration of an AQMA, a final AQAP should be produced within 18 months and then reviewed every five years as a minimum, to ensure air quality improvement measures remain effective, proportionate and feasible.

Warning process for missing or invalid Air Quality Action Plans

In August 2022, Defra published the [Local Air Quality Management \(LAQM\) Statutory Policy Guidance 2022](#) and introduced a new warning process for overdue AQAPs which came into effect on 30 June 2023. The Environmental Improvement Plan 2023 published earlier this year, supports our commitment to increase transparency by requiring timely and accurate publication of AQAPs by local authorities.

Timescale	Enforcement letter	Recipient
AQAP 2 months overdue (e.g. 20 months post AQMA designation or 5 years & 2 months since previous AQAP publication)	Reminder letter	From Defra's LAQM team to Air Quality Officer at non-compliant Local Authority
AQAP 4 months overdue	Warning Letter	From the AQIE Deputy Director to Environment Health / Air Quality Manager at non-compliant Local Authority
AQAP 6 months overdue	Final Warning letter	From the AQIE Deputy Director to relevant Director at non-compliant Local Authority
AQAP 8 months overdue	Ministerial letter: Section 85 direction	Local Authority Chief Executive

Pre-reminder letters were sent to local authority Air Quality Officers on 2 May 2023, highlighting the new warning process for overdue Annual Status Reports (ASRs) and AQAPs. Two months after the 30 June 2023 submission deadline had passed, a second reminder letter was sent to Air Quality officers on 31 August 2023. Following this Warning Letter, if the AQAP for your Local Authority is not received by 31 December 2023, a Final Warning Letter will be sent to the relevant Director as specified in the table above.

If AQAP submission 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 that the legal requirements for action plans are met swiftly.

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 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 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.

The LAQM Helpdesk (LAQMHelpdesk@bureauveritas.com or 0800 032 7953) is available to provide help and support should you require it.

Yours Sincerely,

Bill Parish

Deputy Director, Air Quality and Industrial Emissions
Defra

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