

# Causeway Coast & Glens Borough Council

To: Environmental Services

## STATUTORY DUTY OF NORTHERN IRELAND COUNCILS IN RESPECT OF AMBIENT AIR QUALITY

1<sup>st</sup> September 2015

For Information

Report to Committee

| Linkage to Corporate Plan |  |
|---------------------------|--|
| Strategic Priority        | Protecting and enhancing our unique natural environment and assets |
| Objective                 | Compliance with statutory duty                                     |
| Lead Officer              | Bryan Edgar  |
| Cost: (If applicable)     | £5898 (excludes grant provided)                                    |

### 1.1 Legislative Context/Local Authority Duties

Following the introduction of similar provisions across Great Britain, Part III of the Environment (Northern Ireland) Order 2002, established a duty on NI councils to periodically review and assess ambient air quality within their districts, in order to determine whether air quality objectives for the protection of human health were likely to be achieved by relevant compliance dates.

### 1.2 Air Quality Management Areas

Where a council determines that an air quality objective is not, or is unlikely to be achieved within the relevant compliance period, then the council must designate its entire district, or more typically the geographic extent of the exceedance as an Air Quality Management Area (AQMA). There is currently one AQMA within the Borough (Dungiven).

### 1.3 Air Quality Action Plan

Having done so, the council is required to prepare an Air Quality Action Plan for exercise by the council and competent authority partners in pursuit of the quality objective. Competent authorities include most government Departments as well as the Northern Ireland Authority for Energy Regulation, the Northern Ireland Housing Executive and other district councils. Action Plans must include a list of prioritised measures, their likely impact and a schedule of when they will be completed. There is a statutory duty on Government departments to identify and deliver measures in the air quality action plan.

Under Part III of the Environment (Northern Ireland) Order 2002, the Department retains reserve powers to undertake reviews and assessments and associated works in a council area and to recover expenses incurred by it from that council.

### 1.4 Reporting to the Department.

The Department has published Local Air Quality Management Policy Guidance, LAQM.PGNI(09) covering the NI local air quality management process. The policy guidance document contains a timetable for district council review and assessment duties up until 2017 including requirements for the periodic completion of updating and screening assessments, progress reports and detailed assessments. These reports must be submitted to the Department for appraisal and approval by the government's air quality technical assessors.

## 1.5 Previous Financial Assistance

In order to assist councils with their air quality duties, Article 18 of the Order states that the Department may make grants or loans to any body or person for the purposes of:

- carrying out an air quality review or assessment
- preparing and implementing an action plan; and
- the assessment or management of the quality of air.

Historically, the Department provided grant funding to councils at up to a 90% rate for the purchase and maintenance of air quality monitoring equipment, completion of research and for the purchase and maintenance of atmospheric dispersion modelling software. Staff costs were also grant funded at a rate of up to 20p per head of population within the local authority district.

## 1.6 Current Grant Offer

The Department wrote to councils in March 2015 indicating that the overall budget allocated to air quality management had been cut from £500,000 in 2014 to £100,000 in 2015 and **that staff costs would no longer be included**. Moreover, the Department has also revised the aims, application procedures, criteria and monitoring arrangements for the 2015 LAQM grant process as follows:

The Department has indicated that for the 2015-16 grant year, funding will be allocated on a priority basis to assist those councils whose applications best meet the Department's qualifying criteria and who can demonstrate the ability to defray expenditure in the relevant financial year. Qualifying criteria are summarised as follows:-

- The existence of an AQMA that either exceeds, or is close to exceeding Air Quality Objectives and for which a submission of a detailed assessment or progress report has provided evidence of elevated levels of pollution and a likely failure to achieve relevant objectives.
- Proposals intended to contribute to improvements in air quality or reductions in emissions in Air Quality Management Areas.
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- Proposals demonstrating a strategic or regional approach to air quality management within AQMAs likely to deliver greater efficiencies and effectiveness.
- Specific local circumstances which adversely affect air quality and which have not been characterised previously or for which no comparable data exists.
- An opportunity to target a particular social need as indicated in the economic appraisal.
- Proposals managed by a LA on behalf of the Department for the purposes of Air Quality policy development.

In addition, the rate of grant support is to be determined as follows:-

- Projects in district councils relating to a designated AQMA - **up to 50% funding**.
- Joint bids - eligible for attracting **up to 50% funding** for all projects in all of the LAs within the joint bid, which relate to AQMAs. Those that have previously been part of joint bids and have no AQMAs would be advised to submit separate bids and such bids would attract up to 25% funding.
- Proposals managed by a LA on behalf of the Department for the purposes of Air Quality policy development - **100% funding**.
- All other projects outside of AQMAs - **up to 25% funding**.

Councils were invited to submit their grant claims for this year by the 31<sup>st</sup> May 2015.

A letter of offer of grant monies has recently been received from the department to the value of £5,898, being 50% of the costs submitted.

Given the current financial challenges to the Department it is presently unclear whether the Local Air Quality Management Grant will extend beyond 2015-2016.