

KEY ISSUES

1. Environmental Standards Scotland (ESS) Recommendations

- AQ Action Plan Review timescales
- Monitoring Body
- AQ monitoring – schools

2. Revised Local Air Quality Management Guidance

3. Progress Against Cleaner Air for Scotland 2 (CAFS2) Actions

4. CAFS2 Implementation and Governance Structure

5. International Performance on Air Quality

6. Air quality monitoring

7. Low Emissions Zones (LEZs)

1. Environmental Standards Scotland (ESS) Recommendations

The report makes six recommendations. The first three are to introduce requirements for local authorities to do the following in the shortest time possible:

Recommendation 1: Complete and publish air quality action plans (AQAPs) by a specified target date following the declaration of an Air Quality Management Area (AQMA)

ESS welcomes the inclusion within the improvement plan of a more clearly defined requirement for Air Quality Action Plans (AQAPs) to be published within as short a time

Recommendation 2: Achieve AQMA and AQAP objectives by a specified target date;

ESS considers actions SG has taken constitute a significant strengthening of the current system and notes that they have been incorporated in the revised LAQM policy guidance

Recommendation 3: Review and, where necessary, update AQAPs.

In **ESS'** view, the proposed five year cycle is too long and risks compromising the principle that compliance should be achieved in as short a time as possible.

The remaining three recommendations are for the Scottish Government to:

Recommendation 4: Critically analyse the protocols surrounding the siting of monitoring stations and data provision;

ESS was aware of the Scottish Government's ongoing review of data provision in this connection and thus considered it appropriate for the review to take forward this recommendation. **ESS** is not clear from the improvement plan whether the Scottish Government has concluded this review, or if it has, what its conclusions are.

Recommendation 5: Identify or introduce a monitoring body with the remit to look at the system of air quality monitoring and compliance holistically (including the monitoring of the implementation and effectiveness of Low Emission Zones); and

ESS is unconvinced that the changes proposed in the improvement plan and in the revised LAQM policy guidance are sufficiently clear about what will be monitored and whether the existing Section 85 power is capable of fully implementing the recommendation as intended.

Recommendation 6: Revise its most recent air quality strategy to include specific and measurable timescales for reaching compliance.

ESS welcomes the Government's acceptance of this recommendation. It notes the establishment of general timescales for actions within CAFS2. ESS will monitor the Scottish Government's progress against these timescales.

Issue: 3. Review and, where necessary, update AQAPs – ESS recommend shorter time period for air quality action plan review timescales

- Local air quality policy guidance has been revised so that current action plans should be reviewed and, where necessary, updated within one year of the revised guidance being published, and every five years subsequently.
- This approach recognises that it is important to strike a balance between review and implementation.
- If circumstances change significantly within the Air Quality Management Area (AQMA), this will trigger an automatic review of the action plan for appropriateness, to ensure that measures remain sufficient to achieve compliance within as short a time as possible.

Issue: 4. Critically analyse the protocols surrounding the siting of monitoring stations and data provision – ESS / Royal College of Physicians calling for Air quality monitoring around schools

- Automatic air quality monitors are complex instruments and costly to purchase, operate and maintain. This places a practical limit on the number of locations that can be monitored in this way.
- For this reason, comprehensive screening tools have been developed to help local authorities identify the most appropriate monitoring sites, together with detailed models for estimating pollution levels at locations where automatic monitoring is not possible.
- Local authorities have progressively adapted their monitoring strategies in accordance with the specific issues in their areas, with monitoring networks extended to cover all potential hotspots.
- Robust modelling methodologies allow for extrapolation of monitoring data to provide good estimates of pollutant levels in areas where monitoring does not take place.

- This approach makes sure that any areas of concern will be picked up, including those locations where vulnerable groups may be present, such as schools.
- Local authorities working in collaboration with schools have the powers to restrict vehicle access at school gates to ease congestion, improve air quality and encourage active travel to and from school.
- A number of local authorities have introduced such initiatives, for example the City of Edinburgh Council's School Streets initiative and Angus Council's school friendly zones. Both schemes prohibit most vehicular traffic moving within a zone during specified time periods before and after school.

Costs

- Monitoring outside of every primary school in Aberdeen, Dundee, Edinburgh, Glasgow and Perth (as called for by the Royal College of Physicians of Edinburgh in its submission to the NZET committee) would cost c. £3.6 million (nitrogen dioxide) and c. £7.6 million (fine particulate matter) for monitor purchase, plus annual service and maintenance costs of c. £1 million and c. £0.5 million respectively.
- To extend monitoring to all primary schools in Scotland would cost c. £22 million (nitrogen dioxide) and c. £46 million (fine particulate matter) for monitor purchase, plus annual service and maintenance costs of c. £6 million and c. £3 million respectively.

Issue: 5. Identify or introduce a monitoring body with the remit to look at the system of air quality monitoring and compliance holistically – ESS question SEPA powers to deliver Local Air Quality Management monitoring body

- Under section 85 of the Environment Act 1995 SEPA has wide-ranging powers to direct a local authority to take appropriate steps to fulfil its statutory duties on local air quality. It is the duty of a local authority to comply with any direction given to it by SEPA under section 85.
- SEPA is already using these powers and earlier this year issued a warning letter to a local authority that had failed to submit their outstanding air quality Annual Progress Reports, despite being provided with extensions. The warning letter provided a timescale for compliance which has now been met.
- SEPA will continue to utilise the powers under section 85 to cover future situations where a local authority is not fulfilling their duties in respect of LAQM.
- SEPA will be considering all aspects of a local authorities' Local Air Quality Management (LAQM) responsibilities, and has the power to direct local authority action in all these areas (including monitoring, management of Air Quality Management Areas (AQMAs), planning of actions, delivery of improvements and reporting), where necessary.
- If a local authority is not making sufficient progress or is not meeting its statutory duties SEPA may give a direction requiring the local authority to take any, or all, of the following steps:
 - Carry out an air quality review and assessment of air quality (within the local authority's area);
 - Repeat afresh (and in accordance with the terms stated in the direction) an air quality review and assessment in whole or in part;
 - Make an order designating an AQMA;
 - Revoke/modify any AQMA order;
 - Prepare an action plan;
 - Modify any action plan and;
 - Implement any actions in an action plan.

- We have strengthened local air quality management policy guidance to include an assumption that these powers should be used routinely, and in all cases where a local authority is manifestly failing to carry out its duties.
- Where a local authority is not fulfilling their duties, SEPA, in dialogue with the Scottish Government, will initiate the enforcement procedure as outlined in the revised policy guidance in all cases.

2. Revised Local Air Quality Management (LAQM) Guidance

- The policy guidance, which the Scottish Government produces to assist local authorities in undertaking their LAQM duties has been updated to take account of recommendations from the Environmental Standards Scotland (ESS) investigation into air quality.
- The revised guidance includes a strengthening of the air quality action planning process, and confirms that action plan measures should be delivered within as short a time as possible, and that the action plan itself should have a timescale for completion and for revocation of the Air Quality Management Area (AQMA).
- The revised guidance is clear that action plans must include specified target dates for completing each action plan measure and well defined milestones towards completion of measures.
- Progress towards delivery of measures within local authority action plans will be monitored through Annual Progress Reports which are submitted annually to Scottish Government and SEPA in June.
- Local authorities must review and, where necessary, update their current air quality action plans within one year of the revised guidance being published, and every five years subsequently.
- The revised policy guidance was published in March 2023.

3. Progress Against Cleaner Air for Scotland 2 (CAFS2) Actions

- We published our first annual progress report for CAFS2 in June 2022.
- Undoubtedly the most significant milestone since CAFS2 was published has been the introduction of Low Emission Zones in Aberdeen, Dundee and Edinburgh, together with further development of Scotland's first Low Emission Zone in Glasgow.
- Over the past six months the focus has been on delivering the recommendations in the ESS report, consulting with local authorities on the proposed changes, alongside that we have:
 - Completed a baseline survey of current awareness amongst the Scottish public of air pollution health effects and source contributors, due for published in the summer;
 - Commissioned research to assess the evidence on health impacts of low level pollution in countries with levels of ambient air pollution comparable to Scotland. The outputs of this research will be available later this year;
 - Ensured the National Planning Framework 4 (NPF4) takes account of air quality with a clear outcome to improve health and reduce health inequalities, NPF4
 - Doesn't support development proposals that are likely to have significant adverse effects on air quality;
 - Is clear that development proposals will consider opportunities to improve air quality and reduce exposure to poor air quality;
 - Is clear that an air quality assessment may be required where the nature of the proposal or the air quality in the location suggest significant effect are likely
 - Commissioned an analysis to consider how a ban on the sale of domestic coal, alongside the most highly polluting manufactured solid fuels might affect both businesses and the public. This will be published later this year, and once completed we intend to consult on draft regulations to introduce new measures [Ministerial advice on the analysis should be ready in May, so caution against using this bullet ahead of advice, but note our internal proposed timeline for

starting looking at the consultation is summer 2024, and this has still to be agreed with SGLD].

- We also put in place a robust governance structure to oversee delivery of the CAFS2 actions, and commissioned key research which will inform the delivery of actions to tackle emissions from agriculture and domestic burning.
- The next annual progress report is due to be published in June 2023.

4. Cleaner Air for Scotland 2 (CAFS2) Implementation and Governance Structure

- Good governance is one of the ten priority areas in our Cleaner Air for Scotland 2 (CAFS2) strategy.
- Oversight of progress against delivery of CAFS2 actions is assessed and reported on at Ministerial level on an annual basis.
- We have established a CAFS2 delivery group and a series of specialist working groups to support the delivery of CAFS2 actions and to encourage collaborative working across sectors.
- The CAFS2 delivery group manages the implementation of CAFS2, in particular ensuring that specific milestones and overall timelines for each action are on track and, where necessary, deciding on appropriate mitigation to maintain momentum.
- The delivery group is supported by five specialist working groups covering key policy areas including health, public engagement, agriculture and environment, domestic emissions and placemaking.
- The next annual progress report for CAFS2 will be published in June 2023.

5. International performance on air quality

How can the Scottish Government demonstrate that it is making progress towards achieving the best air quality in Europe?

- Compared to the rest of the UK and many other parts of Europe, Scotland enjoys a high level of air quality.
- In general, EU Member States are working towards EU limit values only. In Scotland and the rest of the UK we also have the Local Air Quality Management system under domestic legislation which allows us to set more ambitious local targets where considered appropriate.
- Under LAQM, the Scottish PM10 objective is more than twice as stringent as the equivalent targets in the rest of the UK and the EU.
- In 2016, also through the LAQM system, Scotland was the first country in Europe to include in legislation the World Health Organisation 2005 guideline values for fine particulate matter PM2.5, a pollutant of particular concern for human health. This target is currently being met across Scotland.
- The UK Government's Environmental Improvement Plan commits to meeting the same target in England by 2040.
- In 2021 the WHO issued significantly more stringent guidelines for both nitrogen dioxide and fine particulate matter. We are currently considering the implications of these updated guidelines, both in the context of current policy delivery under CAFS2 and future policy development, and will set out our views in due course.

6. Air quality monitoring

- For the first time, outside of recent lockdown periods, no monitoring sites in Scotland are exceeding air quality objectives. This important achievement shows that actions being put in place are delivering for the people of Scotland.
- Scotland is the first UK country to achieve this.
- Emissions of the main air pollutants have declined significantly over the last three decades. This has been achieved through tighter regulation, improved fuel quality, cleaner vehicles and an increased focus on sustainable transport.
- To make the best use of limited resources, we use detailed screening methodologies to identify the areas of most concern where monitoring should be prioritised.
- High quality modelling techniques are used to extrapolate monitoring data to provide estimates of pollutant levels in areas where monitoring does not take place.
- Monitoring locations are kept under regular review to ensure that any new pollution hotspots can be identified and targeted appropriately.
- We have a network of 100 automatic monitoring sites and 1100 diffusion tube monitoring locations across Scotland which allows us to track our performance and achieve our ambition of Scotland having the best air quality in Europe.
- Every Scottish local authority is required to set out in their annual air quality progress report the actions they are taking to ensure good air quality in their areas, even when all current targets are being met.

7. Low Emission Zones (LEZs)

Public engagement

- Over 1300 Blue Badge holders requiring exemption of non-compliant vehicles have now registered with our exemption system.
- The LEZ vehicle registration checker has had over 267,000 look ups since launch on the 5th of April
- National LEZ awareness campaigns are running on all media platforms between now and Glasgow's enforcement starting

Vehicle exemptions

- In addition to national LEZ exemptions for blue badge holders, emergency services, military vehicles etc. local authorities have the power to grant local time limited exemptions as appropriate for their city. Glasgow City Council have developed a mechanism whereby their taxi operators can gain exemption to the LEZ.

Funding and support

- The Low Emission Zone Support Fund offers support to eligible households, microbusinesses and sole traders. While the fund has closed for 2022/23, applicants can register their interest in future funds.

Displacement of older buses

- The BEAR (Bus Emission Abatement Retrofit fund) has provided £21m in grants converting over 1200 mid-life buses and coaches to Euro 6 emission standards. These buses were therefore not displaced.

LEZ Penalty Charges

- Unlike Clean Air Zones (CAZs) in England and London's Ultra Low Emission Zone (ULEZ) there is no facility for pre-payment to drive in a LEZ. When a non-compliant vehicle is detected a Penalty Charge Notice (PCN) is issued to the registered keeper of that vehicle.
- Any monies received through PCNs by local authorities can only be put towards the scheme's operational costs and its objectives e.g. supporting air quality improvements and/or climate change emission reduction activities.