

Research Briefing

8 January 2025

By Louise Smith

# Local government air quality responsibilities



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## Summary

Air quality is a devolved subject, and this briefing focuses on the legislation and policy that applies to England. While links to information about responsibilities in other parts of the UK are provided, Members and their staff can contact the Library directly for more information about those areas.

## Air quality standards and targets

There are various legislative targets relating to outdoor air pollutants that are relevant to local authority responsibilities on air quality.

[The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#) (SI 2023/96) set two long-term targets in relation to fine particulate matter (PM<sub>2.5</sub>) which must be met by 2040. The first target aims to reduce PM<sub>2.5</sub> in locations with the highest concentrations, called the annual mean concentration target. The second target aims to reduce average exposure to PM<sub>2.5</sub> across the country, called the population exposure reduction target.

The [Air Quality Standards Regulations 2010](#) (as amended) set limits for ambient air quality (the air that surrounds us). Limit values are legally binding parameters that must not be exceeded. The regulations set [limit values for several pollutants](#), including nitrogen dioxide (NO<sub>2</sub>), particulate matter and ozone.

Part IV of the [Environment Act 1995](#) requires local authorities to regularly review and assess air quality within their areas. This involves comparing the measured or predicted pollutant levels against national air quality standards and objectives prescribed in regulations for the purpose of local air quality management (LAQM). The schedule of the [Air Quality \(England\) Regulations 2000](#), as amended, sets air quality objectives that are applicable to local air quality management in England.

## Local air quality management regime (LAQM)

Local air quality management (LAQM) is a statutory process through which local authorities monitor, assess, and act to improve local air quality, as set by the [Environment Act 1995](#).

Local authorities are required to submit an annual status report (ASR) each year, including monitoring data, to the Secretary of State (or, if within Greater London, to the Mayor of London). The ASR aims to report on progress in

meeting air quality objectives and identify new or changing sources of emissions. The ASR should be made available to the public, typically on the relevant local authority's website.

If the ASR identifies a possibility that an air quality objective is or will be exceeded at a relevant location, the local authority must declare an air quality management area (AQMA). An AQMA is an area where local air quality is unlikely to meet the government's national air quality objectives.

Once an AQMA has been designated, an Air Quality Action Plan (AQAP) should be prepared within 18 months following the designation date. Progress on the AQAP should be included in the ASR.

Authorities that have not had to designate AQMAs and produce AQAPs are required to draw up a Local Air Quality Strategy (LAQS). The aim of LAQSs is to encourage local authorities to consider preventing and reducing polluting activities rather than only taking steps to reduce air pollution once exceedances have been identified.

## Monitoring

Most [LAQM monitoring will focus on NO<sub>2</sub> and particulate matter \(PM<sub>10</sub> and PM<sub>2.5</sub>\)](#). Monitoring of other pollutants will normally only be required if an assessment indicates a potential risk to compliance.

## Enforcement

The UK Government has the power to issue "directions" to local authorities regarding air quality. In London, air quality management is devolved to the Mayor of London, who also has the power to issue Directions to local authorities within Greater London.

These directions require local authorities to identify and provide evidence of measures that will achieve compliance with legal limits on air pollutants, such as roadside nitrogen dioxide levels, in the shortest possible time.

## Roadside nitrogen dioxide

Local authorities are responsible for reducing NO<sub>2</sub> concentrations around roads where levels exceed statutory limits. A series of directions have been issued to local authorities which have exceeded these limits, requiring them to identify and provide evidence of measures that will achieve compliance in the shortest possible time.

## Environmental permitting

In England large installations and medium combustion plant (for example large power stations) are permitted and regulated by the Environment Agency. Medium (such as glass manufacturing) and smaller industrial sites (such as dry cleaners and petrol filling stations) are permitted by local authorities.

Government guidance, [Air quality strategy: framework for local authority delivery](#) (August 2023) states that if a large industrial installation or medium combustion plant is causing or contributing to exceedances requiring an air quality management area, local authorities should liaise with the Environment Agency to ensure compliance. Similarly, if an industrial site permitted by a local authority is responsible for or contributing to emissions in an air quality management area, the local authority should enforce granted environmental permits and check compliance with legal limits.

## Smoke control areas

The [Clean Air Act 1993](#) provides for restrictions that local authorities can choose to put in place to abate air pollution. Part III of this Act allows local authorities to designate smoke control areas. In a smoke control area a person can only burn fuel on the [list of authorised fuels](#), or a specified “smokeless” fuel (anthracite, semi-anthracite, gas and low volatile steam coal), unless they are using an exempt appliance (as listed on the [Defra website](#)).

## Statutory nuisance

Smoke can be a type of statutory nuisances by virtue of the [Environmental Protection Act 1990](#) (EPA), as amended. Under section 79 of the EPA, a local authority must take “all reasonable steps” to investigate a complaint.

## Clean air zones

Clean Air Zones (CAZs) are a measure that local authorities can put in place to help control emissions of harmful pollutants from vehicles and reduce public exposure. They are defined areas where only the cleanest vehicles are encouraged to operate, to improve air quality. Although there does not have to be a charge to enter a CAZ, there is generally a charge set for a certain type of vehicle (normally older, more polluting vehicles) to enter the zone.



The ability for authorities to introduce a Clean Air Zone is set out in the [Transport Act 2000](#). For further information is also provided in the Library briefing, [Clean Air Zones, Low Emission Zones and the London ULEZ](#), August 2023.

## Planning

The government's [National Planning Policy Framework](#) (NPPF, December 2024) and the more detailed guidance in the [Planning Practice Guidance \(PPG\) on air quality](#) set out that consideration of air quality issues at the plan-making stage can ensure a strategic approach and help secure net improvements in overall air quality. The guidance also outlines various impacts on air quality to be considered before granting planning permission.



# 1 Air quality standards and targets

There are various legislative targets relating to outdoor air pollutants that are relevant to local authority responsibilities on air quality.

For information about wider air quality targets (not just those relevant to local authorities) see Commons Library briefing, [Air quality: policies, proposals and concerns](#).

## 1.1 Environment Act 2021 fine particulate matter targets (England)

The [Environment Act 2021](#) required the UK Government to set two targets related to air quality for England. These targets focus on the reduction of fine particulate matter (PM<sub>2.5</sub>), which is considered the most harmful air pollutant to human health.<sup>1</sup>

Particulate matter (PM) is small, breathable particles classified according to size. PM is not a single compound. It is made up of a mixture of solid and liquid particles of organic and inorganic chemicals; and includes some naturally occurring substances, such as salt and dust.<sup>2</sup> Within this category, PM is split further into PM<sub>10</sub> and PM<sub>2.5</sub>, which reflects the size of the particles (PM<sub>2.5</sub> is smaller). The smaller the particle, the further it can penetrate the lungs through inhalation.<sup>3</sup>

Sources of PM are classified as either primary, such as particles from engine combustion or break and tyre wear; or secondary, when other substances react to form PM in the atmosphere. Approximately one-third of ambient PM<sub>2.5</sub> in England comes from transboundary sources such as continental Europe or the global shipping fleet.<sup>4</sup>

[The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#) (SI 2023/96) set two long-term targets in relation to PM<sub>2.5</sub> which must be met by 2040. The first target, the annual mean concentration target, aims to reduce PM<sub>2.5</sub> levels in locations with the highest concentrations. The second target, the population exposure reduction target, aims to reduce average

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<sup>1</sup> Explanatory memorandum to [The Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#), para 7.1

<sup>2</sup> WHO Fact Sheet, [Ambient \(outdoor\) air quality and health](#), May 2018

<sup>3</sup> Defra, [Air Pollution in the UK 2019](#), September 2020, p22

<sup>4</sup> Office for Environmental Protection, [Progress in improving the natural environment in England 2022/2023](#), January 2024, p47

exposure to PM<sub>2.5</sub> across the country. These targets are supported by two non-statutory interim targets outlined in the government's [Environmental Improvement Plan](#) (2023). Together the long-term and interim targets are:

Table 1 Environment Act 2021 PM <sub>2.5</sub> targets		
Target type	Objective	Date
PM2.5 annual mean concentration (interim)	must not exceed 12 µg/m <sup>3</sup>	End of January 2028
PM2.5 population exposure (interim)	22% reduction in exposure compared to 2018	End of January 2028
PM2.5 annual mean concentration (statutory)	must not exceed 10 µg/m <sup>3</sup>	End of 2040
PM2.5 population exposure (statutory)	35% reduction in exposure compared to 2018	End of 2040

Source: HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023, Annex A

The environmental monitoring and governance body, the Office for Environmental Protection reported on progress against the targets in its January 2024 monitoring report:

Our analysis of government's monitoring data shows that 7% of monitoring stations in England had an annual mean concentration over 10 µg/m<sup>3</sup> in 2022, down from 44% in 2019.

The other target is a population exposure reduction target for PM<sub>2.5</sub> of at least a 35% reduction in population exposure by the end of December 2040, compared to the 2016- 2018 baseline period. Between 2017 and 2022, there was a 17.3% reduction in population weighted annual mean concentrations in England, indicating that exposure to PM<sub>2.5</sub> is decreasing, although this has plateaued over the past three years.<sup>5</sup>

The targets are for the UK Government to meet, although actions and decisions taken by local authorities will play a part in meeting them. In 2023 the government said it would consider introducing a standalone legal duty on local authorities to reduce PM<sub>2.5</sub> emissions if it considered their progress towards the targets to be "insufficient".<sup>6</sup>

<sup>5</sup> Office for Environmental Protection, [Progress in improving the natural environment in England 2022/2023](#), January 2024, p47

<sup>6</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

## 1.2 Air quality limit values

The [Air Quality Standards Regulations 2010](#) (as amended) set [limit values for several pollutants](#). Limit values are legally binding parameters that must not be exceeded. The following table shows those limit values most relevant to local government responsibilities:

Pollutant	Objective	Averaging period
PM <sub>10</sub>	50 µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24-hour mean
PM <sub>10</sub>	40 µg/m <sup>3</sup>	Calendar year
PM <sub>2.5</sub>	20 µg/m <sup>3</sup>	Calendar year
PM <sub>2.5</sub>	Target of 20% reduction in concentrations at urban background	Calendar year
Nitrogen dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	One-hour mean
Nitrogen dioxide (NO <sub>2</sub> )	40 µg/m <sup>3</sup>	Calendar year

Source: HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023, Annex A

For the purposes of assessment against the regulations, the UK is divided into 43 zones. All zones met the limit values for PM<sub>10</sub> and PM<sub>2.5</sub>. All zones met the one-hour mean limit value for nitrogen dioxide. [Nine zones exceeded](#) the annual nitrogen dioxide limit values in 2023:

- Greater London Urban Area
- West Midlands Urban Area
- Greater Manchester Urban Area
- West Yorkshire Urban Area
- Liverpool Urban Area
- Nottingham Urban Area
- Bristol Urban Area
- Coventry/Bedworth
- The South East<sup>7</sup>

<sup>7</sup> HM Government, [Air Pollution in the UK 2023](#) (PDF), September 2024

Where there is a breach of the limit values the Secretary of State must draw up and implement an air quality plan so as to achieve that limit value “in the shortest possible time.”<sup>8</sup> The current plan is the 2017 [air quality plan for nitrogen dioxide \(NO<sub>2</sub>\) in the UK](#).<sup>9</sup>

In 2023 the previous government set out an intention to align air quality reporting zones with local government boundaries.<sup>10</sup> The current government has not commented on whether it intends to do the same.

## 1.3 The Air Quality (England) Regulations 2000

Part IV of the [Environment Act 1995](#) requires local authorities to regularly review and assess air quality within their areas. This involves comparing the measured or predicted pollutant levels against national air quality standards and objectives prescribed in regulations for the purpose of local air quality management (LAQM). The schedule of the [Air Quality \(England\) Regulations 2000](#), as amended, sets air quality objectives that are applicable to local air quality management in England. The pollutants that local authorities must monitor under these regulations include:<sup>11</sup>

Table 3 Air local air quality management (LAQM) limit values		
Pollutant	Objective	Averaging period
PM <sub>10</sub>	50 µg/m <sup>3</sup> not to be exceeded more than 35 times a year	24-hour mean
PM <sub>10</sub>	40 µg/m <sup>3</sup>	Annual
Sulphur dioxide (SO <sub>2</sub> )	266 µg/m <sup>3</sup> not to be exceeded more than 35 times per year	15 minute mean
Sulphur dioxide (SO <sub>2</sub> )	350 µg/m <sup>3</sup> not to be exceeded more than 24 times per year	1 hour mean
Sulphur dioxide (SO <sub>2</sub> )	125 µg/m <sup>3</sup> not to be exceeded more than 3 times per year	24 hour mean
Nitrogen dioxide (NO <sub>2</sub> )	200 µg/m <sup>3</sup> not to be exceeded more than 18 times a year	One-hour mean
Nitrogen dioxide (NO <sub>2</sub> )	40 µg/m <sup>3</sup>	Calendar year

<sup>8</sup> Regulation 26 [Air Quality Standards Regulations 2010](#)

<sup>9</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

<sup>10</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

<sup>11</sup> For a full list and interpretation of terms see the schedule to the [Air Quality \(England\) Regulations 2000](#)

Source: HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023, Annex A

Scotland, Wales and Northern Ireland each have the same standards in their own legislation:

- [Air Quality \(Scotland\) Regulations 2000](#), as amended
- [The Air Quality \(Wales\) Regulations 2000](#), as amended
- [Air Quality \(Northern Ireland\) Regulations 2003](#), as amended

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## 2 Local Air Quality Management (LAQM) regime

Local air quality management (LAQM) is a process through which local authorities monitor, assess and act to improve local air quality. The regime is a statutory one, set by the [Environment Act 1995](#), as amended, for England, Wales and Scotland and by the [Environment \(Northern Ireland\) Order 2002](#), for Northern Ireland.

### 2.1 National Air Quality Strategies

The UK, Scottish and Welsh Governments are required, under section 80 of the [Environment Act 1995](#), to produce a national air quality strategy. A similar requirement for Northern Ireland stems from the [Environment \(Northern Ireland\) Order 2002](#). The purpose of the strategy is to provide a framework for the assessment and management of air quality.

In 2007, the [Air Quality Strategy for England, Scotland, Wales and Northern Ireland](#) was published (the “2007 strategy”). Following changes this strategy is now only in force in Northern Ireland and Scotland. In April 2023 the UK Government published a document, [Air quality strategy: framework for local authority delivery](#), which superseded the 2007 Strategy in respect of England. In 2023 the Welsh Government decided to replace the 2007 strategy with its [Clean Air Plan for Wales: Healthy Air, Healthy Wales](#), published in 2020.<sup>12</sup>

As part of the LAQM process, local authorities are required to have regard to the appropriate national air quality strategy when exercising functions of a public nature that could affect the quality of air.<sup>13</sup>

### 2.2 Government guidance for local authorities

Under section 82 of the Environment Act 1995 every local authority has a duty to review the air quality within its area. Local authorities must take action to improve air quality when objectives, set out in regulations, are not met.

Local authorities in England are expected to report on NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub> as standard within their annual status reports. UK Government guidance states,

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<sup>12</sup> Welsh Government, [Review of the National Air Quality Strategy](#), April 2023

<sup>13</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), 25 August 2023

“Whilst the responsibility for meeting the PM<sub>2.5</sub> targets sits with national government; local authorities have a role to play in delivering reductions in PM<sub>2.5</sub>.”<sup>14</sup>

Further information for local authorities about how to perform these LAQM duties for UK regions (outside of Greater London) is set out in government guidance. [Local Air Quality Management Technical Guidance \(TG22\)](#), August 2022. This guidance was produced by the UK, Scottish and Welsh Governments and the Northern Ireland Department of Agriculture, Environment and Rural Affairs.

Additional guidance, which applies to England only (excluding Greater London), is provided by the UK Government, [Local Air Quality Management Policy Guidance \(PG22\)](#), August 2022.

## Greater London

Air quality in Greater London is devolved to the Mayor of London, who has a supervisory role, with powers to intervene and direct local authorities under Part IV of the Environment Act 1995. Guidance for London boroughs is provided in:

- [London policy guidance 2019](#) (PDF)
- [London Local Air Quality Management \(LLAQM\) technical guidance](#) (2019)

## Scotland, Wales and Northern Ireland

As air quality is a devolved policy area, there is separate guidance on local authority statutory responsibilities for each part of the UK:

- Scottish Government, [Local air quality management: policy guidance](#), May 2024
- Welsh Government, [Local air quality management in Wales Policy guidance](#), June 2017
- Northern Ireland [Local Air Quality Management Policy Guidance – LAQM PGNI \(09\)](#), June 2010

## 2.3

## Local authority responsibilities

The [Environment Act 1995](#), as amended, provides the basis for local authorities’ obligations to monitor and report on air quality in their areas and take appropriate action. It also provides the legislative basis for the

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<sup>14</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p12



government to issue directions to require improvements where objectives are not met. Box 1 below summarises how the LAQM process works in England:<sup>15</sup>

## 1 LAQM assessment overview and terminology<sup>16</sup>

- Annual status report (ASR): Local authorities in England must submit an ASR to the Secretary of State for Environment, Food and Rural Affairs, or if within Greater London, to the Mayor of London. ASRs should summarise the monitoring and modelling of emissions in the local authority area and highlight any new or changing sources of emissions.
- Air Quality Management Area (AQMA): If the ASR identifies a possibility that an air quality objective is or will be exceeded at a relevant location, then it must declare an AQMA. An AQMA is an area where the local air quality is unlikely to meet the government's national air quality objectives.
- Air Quality Action Plan (AQAP): Once an AQMA has been designated, an AQAP should be prepared within 18 months following the date of designation. Progress on the AQAP should be included in the ASR.
- Local Air Quality Strategy (LAQS): Those authorities who have not had to designate AQMAs and produce AQAPs are required to draw up a LAQS. The aim of LAQSs is to encourage local authorities to consider prevention and reduction of polluting activities in preference to only taking steps to reduce air pollution once exceedances have been identified.

Support for producing all of these documents is provided on the Defra and devolved administrations [LAQM support website](#).

The UK Government guidance [Local Air Quality Management Policy Guidance](#) (PG22, PDF), August 2022 provides further guidance on which duties apply to which type of local authority. For example, in two-tier authorities, certain functions (relating to the assessment of local air quality, designation of an AQMA and preparation of an AQAP) remain at the district council level. County councils also have duties, summarised in PG22 as follows:

- Provide the lower tier authority with proposals for particular measures it will take to contribute to the achievement and maintenance of Air Quality Objectives, including a date by which each measure will be carried out.
- Deliver the actions they are responsible for as set out in the AQAPs, to the timescales defined.

<sup>15</sup> Defra, [Local Air Quality Management Policy Guidance](#), (PG16) April 2016, paras 2.5 to 2.9

<sup>16</sup> HM Government, [Local Air Quality Management Policy Guidance](#) (PG22), August 2022

- Provide assistance to the district council to coordinate action across neighbouring local authorities and with other public bodies.<sup>17</sup>

Local authorities will need to demonstrate that they have satisfactorily discharged their duties under [Part IV of the Environment Act 1995](#) and [Part III of the Environment \(Northern Ireland\) Order 2002](#). This will generally mean that a local authority will need to show that it has:

1. Carried out appropriate reviews and assessments of air quality as required by Section 82 of the Environment Act 1995 and in Northern Ireland Article 11 of the Environment (Northern Ireland) Order 2002.
2. Designated any necessary air quality management areas as required by Section 83 of the Environment Act 1995 and in Northern Ireland Article 12 of the Environment (Northern Ireland) Order 2002.
3. Drawn up appropriate action plans as required by Section 84 of the Environment Act 1995 and in Northern Ireland Article 13 of the Environment (Northern Ireland) Order 2002.<sup>18</sup>

In England and Wales (outside Greater London), where the Secretary of State is not satisfied that a local authority has adequately discharged its duties, they may issue a direction to the authority under section 85 of the Environment Act 1995 requiring it to prepare an Air Quality Action Plan (AQAP), or to modify an existing AQAP. In Greater London, under Section 365 of the Greater London Authority Act 1999, this power rests with the Mayor of London, who must inform the Secretary of State of any direction.<sup>19</sup>

In Scotland, the Scottish Environment Protection Agency (SEPA) may do this, acting with the approval of the Scottish Ministers.

In Northern Ireland, the Department for Agriculture, Environment and Rural Affairs (DAERA), under Article 14 of the Environment (Northern Ireland) Order 2002 may issue a direction to a district council if it appears that a council has not adequately discharged its duties.

## Annual Status Reports (ASR)

Local authorities are required to submit an ASR each year, including monitoring data, to the Secretary of State (or if within Greater London, to the Mayor of London). The overall aim of the ASR is to report on progress in meeting air quality objectives. It is also where local authorities identify new or changing sources of emissions. The ASR should be made available to the public. Normally it will be made available on the relevant local authority website.

The air quality objectives set out in the [Air Quality \(England\) Regulations 2000](#), as amended, provide the statutory basis for the air quality objectives

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<sup>17</sup> HM Government, [Local Air Quality Management Policy Guidance](#) (PG22, PDF), August 2022, p20

<sup>18</sup> Defra, [FAQ 103 – Failure to Achieve Objectives](#) (accessed 16 July 2024)

<sup>19</sup> Defra, [FAQ 103 – Failure to Achieve Objectives](#) (accessed 16 July 2024)

under LAQM in England. Local Authorities in England are expected to report on NO<sub>2</sub>, PM<sub>10</sub> and SO<sub>2</sub> as standard within their ASRs. The Government does not expect local authorities to report annually on benzene, 1,3-butadiene, carbon monoxide and lead, because objectives for these pollutants have generally been met for several years.<sup>20</sup>

Government guidance states that the following are “core requirements” of an ASR:

- To report progress on the implementation of measures in the AQAP and other measures and their impact in reducing concentrations to below air quality objectives;
- To provide a summary of monitoring/modelling data (either locally retrieved and/or from the national network) in order to assess the air quality situation in your area and likelihood of air quality breaches, and to provide the necessary evidence base for the impact of air quality measures;
- To report on significant new developments that might affect local air quality; and
- To present information in a public-facing executive summary for the lay reader so that the local public can more easily engage with local air quality issues and measures taken to improve it.<sup>21</sup>

After submitting the ASR the Secretary of State can choose to comment on it. Local authorities are expected to have regard to any comments.<sup>22</sup>

## Air Quality Management Area (AQMA)

An AQMA is an area where local air quality is unlikely to meet the government's national air quality objectives. Under Section 83(1) of the Environment Act 1995, local authorities are required to designate areas where air quality objectives are not being met or are at risk of not being met, especially where people are likely to be regularly present.

If a local authority identifies a possibility that an air quality objective is or will be exceeded at a relevant location, it must declare an AQMA either immediately (if there is no doubt about the need) or after gathering additional evidence. Government guidance states that any additional evidence gathering should be proportionate and take no longer than 12 months.<sup>23</sup>

Local authorities wishing to revoke or reduce an AQMA can do so following a review. For revocation, the review should demonstrate that air quality objectives are being met and will continue to be met. Government guidance

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<sup>20</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p12

<sup>21</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p13

<sup>22</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p13

<sup>23</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p13

states that there must be confidence that improvements will be sustained, typically after three years or more of compliance with air quality objectives.<sup>24</sup>

In 2022, there were over 500 active AQMAs across England, most of which are in urban areas. The majority of these AQMAs were established to address air pollution from traffic emissions of nitrogen dioxide (NO<sub>2</sub>).<sup>25</sup>

## Air Quality Action Plan (AQAP)

Once an AQMA has been designated, an AQAP should be prepared within 18 months following the date of designation. The AQAP should set out “effective, measurable, proportionate, and feasible measures” that the local authority intends to use to help ensure air quality objectives are met. It must also specify a date by when each measure will be carried out.

Local authorities can revise their AQAPs at any time and should, as a minimum, revise them every 5 years. A local authority must revise and AQAP if it considers there is a need for further or different measures to be taken to meet air quality objectives.<sup>26</sup>

Government guidance sets out that AQAPs should include:

- Quantification of the source contributions responsible for the exceedance of the relevant objective;
- Where the data is accessible the population living within the AQMA;
- Clear timescales, including milestones and expected outcomes which the authority and other delivery partners propose to implement the measures within the AQAP;
- Quantification of the impacts of the proposed measures – including, where feasible, data on emissions and concentrations (either locally obtained and/or via national monitoring/modelling statistics);
- Actions, including clear timescales proffered by Air Quality Partners;
- How the local authority, including transport, planning and public health departments, and other external delivery partners, will work together to implement the AQAP; and
- How the local authority intends to monitor and evaluate the effectiveness of the plan.<sup>27</sup>

AQAPs should be submitted to Defra and made available to the public. Progress on the AQAP should be included in the ASR.

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<sup>24</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p26

<sup>25</sup> HM Government, [Local Air Quality Management Policy Guidance](#) (PG22, PDF), August 2022, p7

<sup>26</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p15

<sup>27</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p28

## Local Air Quality Strategy (AQS)

Starting in 2023, local authorities that have not designated AQMAs or produced AQAPs are required to develop a local Air Quality Strategy. The aim is to encourage local authorities to focus on preventing and reducing polluting activities, rather than only taking action after air pollution exceedances have been identified.<sup>28</sup>

## 2.4

## Monitoring

Local authority areas have air quality monitors at different locations. Some are to assess national air quality limit values under the [Air Quality Standards Regulations 2010](#) and others are for monitoring air quality under LAQM.

During 2023 there were 630 national air quality monitoring sites across the UK, comprising several networks, each with different objectives, scope and coverage.<sup>29</sup>

### National limit values and targets

The evidence base for the annual assessment of compliance against the Air Quality Standards Regulations 2010 is based on a combination of measurements and the results of modelling assessments.

The main measuring is done by the Automatic Urban and Rural Network (AURN). The AURN includes automatic air quality monitoring stations measuring oxides of nitrogen (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>), ozone (O<sub>3</sub>), carbon monoxide (CO) and particles (PM<sub>10</sub>, PM<sub>2.5</sub>).<sup>30</sup> These sites are UK-wide (currently 179 in operation), and they provide high resolution hourly information.<sup>31</sup> The locations are a mix of:

- major urban centres
- suburban location
- rural locations
- remote locations

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<sup>28</sup> UK Government, [England \(exc. London\) Policy Guidance](#), August 2022, p14

<sup>29</sup> Defra, [Air pollution in the UK 2023](#) (PDF), September 2024, section 3.2

<sup>30</sup> There are other networks covering other pollutants. For example, the Automatic Hydrocarbon network which measures ozone precursor substances, including volatile organic compounds (VOCs) and the UK Eutrophying and Acidifying Pollutants Network which provides information on deposition of eutrophying and acidifying compounds in the UK and assessment of their potential impacts on ecosystems.

<sup>31</sup> Defra UK Air website, [Automatic Urban and Rural Network \(AURN\)](#) (accessed 14 October 2024)

- roadside locations
- some industrial areas<sup>32</sup>

National air quality monitoring networks are in place and are overseen by Defra and the devolved administrations.

Several organisations are involved in the day-to-day running of the network. Management and administration of the network is contracted to audit and certification company Bureau Veritas. Quality assurance and quality control is contracted to the National Physical Laboratory for the London part of the network, and consultants Ricardo Energy & Environment for the rest of the AURN. The responsibility for operating individual monitoring sites is assigned to local organisations, such as local authority Environmental Health Officers with relevant experience in the field.<sup>33</sup>

The techniques used to monitor the different pollutants and the standards that the monitoring equipment must meet is set out on the Defra UK Air website, [Standard Methods for monitoring and UK Approach](#).

Monitoring sites can be located using the Defra UK Air webpage, [Search for monitoring sites](#) and via the [Interactive monitoring networks map](#).

Air quality assessment also uses modelling, which uses [national Pollution Climate Mapping \(PCM\) models](#). It focuses on two components: pollutant concentrations at background locations, on a 1x1 km grid square basis, and roadside pollutant concentrations, at four metres from the kerb of urban major road links. Defra sets out that the use of models enables air quality to be assessed at locations without monitoring sites and reduces the number of monitoring stations required.<sup>34</sup> Further information about the models used is available from the Defra UK Air website, [Air modelling for Defra](#).

The PM<sub>2.5</sub> targets set under the [Environmental Targets \(Fine Particulate Matter\) \(England\) Regulations 2023](#), are assessed by using fixed measurements from the AURN (not modelling assessments). Defra states that the PM<sub>2.5</sub> monitoring network is currently being expanded to better support assessment.<sup>35</sup> Further information about PM<sub>2.5</sub> monitoring is available from the Defra webpage, [PM<sub>2.5</sub> and monitoring sites](#).

## LAQM monitoring

Local authorities publish their monitoring and assessment annually, updating on the measures they have taken since the last Annual Status Report. Government guidance indicates that most monitoring by local authorities will focus on NO<sub>2</sub> and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), as concentrations of other pollutants have generally fallen below harmful levels. Monitoring of

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<sup>32</sup> Gov.UK, [Monitoring ambient air: monitoring strategy](#), 10 September 2024

<sup>33</sup> Defra UK Air website, [Automatic Urban and Rural Network \(AURN\)](#) (accessed 14 October 2024)

<sup>34</sup> Defra, [Air pollution in the UK 2023](#) (PDF), September 2024, section 3.2

<sup>35</sup> Defra, [Air pollution in the UK 2023](#) (PDF), September 2024, section 3.2

other pollutants is likely only required if an assessment indicates a potential risk to compliance.<sup>36</sup>

The techniques for measuring these pollutants are described in Chapter 7 of the government guidance [Local Air Quality Management Technical Guidance](#) (TG22), August 2022, along with relevant standards and quality control and assurance processes. For example, diffusion tubes (small plastic tubes containing a chemical reagent to absorb the pollutant directly from the air) may be used for measuring NO<sub>2</sub>. These tubes are typically placed on building facades or lampposts in heavily trafficked areas and urban background locations. They collect samples over an approximately one-month exposure period before needing to be changed.<sup>37</sup>

TG22 also states that modelling is permitted by local authorities to help identify where exceedances of the objectives are likely. Further information about modelling is provided in Chapter 6 of TG22.

Further information about monitoring more generally is also set out in the UK Government guidance, [Monitoring ambient air: monitoring strategy](#), 10 September 2024.

## 2.5

## Enforcement

### Government powers to issue “directions” to local authorities

The UK, Welsh and Scottish<sup>(38)</sup> Governments have powers in the Environment Act 1995 (section 85) to issue “directions” to local authorities in their areas. Air quality in London is devolved to the Mayor of London, who also has powers under this section to issue directions to local authorities in Greater London.<sup>39</sup> In Northern Ireland the power to make directions is given to the Department of Agriculture, Environment and Rural Affairs under the [Environment \(Northern Ireland\) Order 2002](#).

Directions require local authorities to consider (and provide evidence) as to which measures in their areas will deliver compliance with legal limits on air pollutants (such as roadside nitrogen dioxide levels) in the shortest possible time.

Under section 85(7) of the Environment Act 1995 it is the duty of a local authority to comply with a direction given to it. The act does not provide any explicit penalty for any breach of compliance with a direction.

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<sup>36</sup> HM Government, [Local Air Quality Management Technical Guidance](#) (TG22, PDF) August 2022, p114

<sup>37</sup> HM Government, , [Local Air Quality Management Technical Guidance](#) (TG22), August 2022, chapter 7

<sup>38</sup> In Scotland this is the Scottish Environment Protection Agency (SEPA) acting with the approval of Scottish Ministers

<sup>39</sup> Defra, [London technical guidance](#) [downloaded on 14 December 2022]



## 3

## Roadside nitrogen dioxide

Separate to the LAQM system, the UK Government is responsible for air quality limit values under the [Air Quality Standards Regulations 2010](#) (as amended).

The limit values stemmed initially from the EU Directive on ambient air quality and cleaner air for Europe (2008/50/EC), the “[Air Quality Directive](#)”. Judicial review proceedings brought by the environmental advocacy charity, ClientEarth, arose out of the admitted and continuing failure of the United Kingdom, since 2010, to secure compliance in certain zones with the limits for nitrogen dioxide levels set under the Air Quality Directive.<sup>40</sup>

Following judicial review challenges in 2015, 2016 and 2017 the Government was directed by the courts to produce and amend a series of plans to show how it would reduce NO<sub>2</sub>, in the shortest possible time. The most recent, and still current, plan is the [UK plan for tackling roadside nitrogen dioxide concentrations: Detailed plan](#), July 2017.

Following judicial review proceedings in relation to the July 2017 Plan, the High Court ruled, on 21 February 2018, that a supplement to the 2017 Plan should be produced. This was published on 5 October 2018: [Supplement to the UK plan for tackling roadside nitrogen dioxide concentrations](#) (PDF). The Welsh Government also produced a plan following these proceedings: [Air quality plan: roadside nitrogen dioxide](#), 1 November 2018.

For more detailed information about the judicial review challenges and the Government plans produced, see Library briefing paper, [Brexit and Air Quality](#), 21 May 2019.

In some areas local authorities will have responsibility for taking action to reduce concentrations of NO<sub>2</sub> around roads where concentrations are above statutory limit values. A series of ministerial directions have been made relating to local authorities within these zones to require local authorities to consider (and provide evidence) as to which measures in their areas will deliver compliance with legal limits on air pollutants in the shortest possible time. The directions are available on:

- The UK Government’s website: [Air quality plan for nitrogen dioxide \(NO<sub>2</sub>\) in UK \(2017\): air quality directions](#); and
- The Welsh government’s website: [air pollution](#)

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<sup>40</sup> R (on the application of ClientEarth) (Appellant) v The Secretary of State for the Environment, Food and Rural Affairs (Respondent), [\[2013\] UKSC 25](#)

## 4 Environmental permitting

The [Environmental Permitting \(England and Wales\) Regulations 2016](#), as amended) (EPR 2016) set standards and provisions to reduce the emissions of pollutants from a diverse range of industrial sources. Examples of these include intensive pig and poultry farms, chemical manufacturing sites and power stations. The EPR 2016 aims to prevent or minimise pollution from industrial sources to protect the environment and human health. There are similar regimes provided in Scotland and Northern Ireland through the [Environmental Authorisations \(Scotland\) Regulations 2018](#) and [The Pollution Prevention and Control \(Industrial Emissions\) Regulations \(Northern Ireland\) 2013](#).

In England, large installations and medium combustion plants are permitted and regulated by the Environment Agency. Medium-sized (for example, glass manufacturing) and smaller industrial sites (for example, dry cleaners and petrol filling stations) are permitted by local authorities.

Government guidance, [Air quality strategy: framework for local authority delivery](#) (August 2023), states that if a large industrial installation or medium combustion plant is causing or contributing to exceedances requiring an air quality management area, local authorities should liaise with the Environment Agency to ensure compliance. As an air quality partner, the Environment Agency should contribute measures to reduce pollution for inclusion in any Air Quality Action Plan.<sup>41</sup>

Similarly, if an industrial site permitted by a local authority is responsible for or contributing to emissions in an air quality management area, the local authority should enforce granted environmental permits and check compliance with legal limits.<sup>42</sup>

The government guidance also states that "local authorities should make sure that regular monitoring of permit conditions takes place and appropriate enforcement is taken when conditions are not met." It advises local authorities to seek to recover the costs of any remediation required due to non-compliance with permit conditions. "Appropriate action" should be taken against those who fail to comply with the requirement to obtain a permit.<sup>43</sup>

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<sup>41</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

<sup>42</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

<sup>43</sup> HM Government, [Air quality strategy: framework for local authority delivery](#), updated 25 August 2023

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## 5 Smoke control and domestic burning

Local authorities have several powers to control what is burnt and where within their areas. The rules are set out below.

### 5.1 Smoke control areas

The [Clean Air Act 1993](#) (which contains provisions which apply to England Wales and Scotland), provides for restrictions that local authorities can choose to put in place to abate air pollution.<sup>44</sup> Part III of this Act allows local authorities to make smoke control areas. In a smoke control area a person can only burn fuel on the [list of authorised fuels](#), or a specified “smokeless” fuel (anthracite, semi-anthracite, gas and low volatile steam coal), unless they are using an exempt appliance (as listed on the [Defra website](#)). For further information see the gov.uk website [Smoke control areas: the rules](#).

The Clean Air Act provides for a power for local authorities to designate smoke control areas, but it is not a duty; local authorities are not obliged to designate such areas. Section 18 and [schedule 1](#) of the Clean Air Act 1993, as amended, set the rules and procedures to be followed when designating a smoke control area; these include consultation and publicity requirements for the proposed area and a duty for the local authority to consider objections.

The [Environment Act 2021](#) allows local authorities to issue financial penalties for emitting smoke from a chimney in a smoke control area in England. It means that in England, emitting smoke from a chimney is no longer a criminal offence, but rather subject to a civil penalty notice (a fine). The aim of this change was to make enforcement “quicker, simpler and more proportionate”.<sup>45</sup> Local authorities in England can impose a financial penalty ranging from a minimum of £175 to a maximum of £300. The civil penalty provisions are set out in a new Schedule 1A to the Clean Air Act.

The Environment Act 2021 has also amended the [Environmental Protection Act 1990](#) so that smoke emitted from a private dwelling in a smoke control area in England could be defined as a statutory nuisance if it were “prejudicial to health or a nuisance”.<sup>46</sup> Previously, smoke emitted from a chimney of a

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<sup>44</sup> Practical Law, [Air pollution: overview](#) maintained resource [subscription required]

<sup>45</sup> Environment Bill [Explanatory Notes](#), para 36.

<sup>46</sup> By virtue of the provisions of regulation 4 of the [Environment Act 2021 \(Commencement No 2 and Saving Provision\) Regulations 2022](#) (SI 2022/48)

private dwelling within a smoke control area was an exemption from this statutory nuisance provision.

In Wales, the [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024](#) will make similar amendments to those introduced by the Environment Act for England by providing new powers for local authorities to impose civil penalty notices for the emission of smoke in smoke control areas in Wales (this will be in a section 19E and amendments to Schedule 1A of the Clean Air Act). These provisions are not yet in force.

Until the new provisions in Wales come into force, section 20 of the Clean Air Act makes emissions of smoke in a smoke control area a criminal offence in Wales, unless an authorised fuel is used.

## Proposed changes to limits for stoves

In its January 2023 [Environmental Improvement Plan](#) (PDF), the previous government announced that it would, “Tighten the limits that new stoves in Smoke Control Areas must meet, reducing the limit from 5g of smoke per hour to a maximum of 3g.” This change has not been set in regulations. The Environmental Improvement Plan suggests that any changes would apply only to new stoves.

In the previous government’s February 2023 [Air Quality: Revised UK National Air Pollution Control Programme](#) it reaffirmed its intention to look at reducing the Emission Limit Values (ELV)s for appliances in Smoke Control Areas from 5g to 3g smoke per hour. The government said further that this would “support advancements in appliance technology and fuel innovation and encourage homeowners to consider upgrading their current system to a new cleaner appliance. We will consider cost of living and fuel poverty implications when analysing this policy.”

The current government has not commented on this proposal.

## 5.2

## Domestic fuel restrictions

The [Air Quality \(Domestic Solid Fuels Standards\) \(England\) Regulations 2020](#) (SI 2020/1095), which apply in England, placed restrictions on the sale of wet wood for domestic burning, limits on the emission of sulphur and smoke from manufactured solid fuels and phased out the sale of bituminous coal (traditional house coal). The regulations provided for a phased approach for restricting the sale of the three fuels listed in these regulations, which are now all in force:

Traditional house coal (Bituminous coal) will be phased out from sale for use in domestic combustion as follows;

- from 1 May 2021 it will be unlawful to sell bituminous coal in bags, it will only be lawful to sell bituminous coal loose via an approved coal merchant.
- from 1 May 2023 it will be unlawful to sell bituminous coal for combustion in a domestic setting.

Wet wood sales for domestic combustion:

- from 1 May 2021 it will be unlawful to sell wood that is not certified as having a moisture content of 20% or below in volumes of less than 2m<sup>3</sup>
- from 1 May 2021 it will be unlawful to sell wood in volumes of 2m<sup>3</sup> or more that has moisture content above 20% that can be dried at home by the consumer. It will be a requirement that suppliers provide guidance to consumers on how to dry wood at home to ensure it is not burnt until it is sufficiently dried.

Sulphur and smoke limits for Manufactured Solid Fuels (MSFs);

- from 1 May 2021 it will be unlawful sell MSFs that exceed a sulphur content of 2% and have smoke emissions of 5g or more per hour.<sup>47</sup>

The requirements are backed by criminal sanctions, enforced by local authorities. Depending on how severe the offence is this could be:

- a £300 fixed penalty fine (FPN) issued by the local authority
- a more substantial fine issued by the courts<sup>48</sup>

For further information about these rules see gov.uk guidance, [Selling coal for domestic use in England](#), updated 1 May 2023. This guidance makes clear that coal suppliers and retailers can continue to sell anthracite coal, semi-anthracite coal and low volatile steam coal. There are also exemptions to the rules for traditional house coal extracted and sold from the Forest of Dean, which can continue to be sold locally.

Manufacturers of solid fuels are required to demonstrate their products meet smoke emission and sulphur content standards through a certification scheme. Defra has appointed the non-profit cleaner fuel organisation HETAS to run its [Ready to Burn certification scheme for manufactured solid fuels](#). Manufactured solid fuels have needed to meet certain standards to be listed as Ready to Burn since May 2021. A “manufactured solid fuel” means a fuel manufactured from coal, wood, plant-derived materials, waxes or petroleum products with other ingredients, for combustion in domestic premises in England.

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<sup>47</sup> [Explanatory Memorandum](#) (PDF) to the Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020, p3

<sup>48</sup> gov.uk guidance, [Selling coal for domestic use in England](#), updated 1 May 2023

## 6 Statutory nuisance

Smoke can be a type of statutory nuisance by virtue of the [Environmental Protection Act 1990](#) (EPA), as amended. The EPA specifies 11 different categories of statutory nuisance, which include:<sup>49</sup>

- smoke emitted from premises so as to be prejudicial to health or a nuisance
- fumes or gases emitted from premises so as to be prejudicial to health or a nuisance
- any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance

These provisions are subject to certain exemptions as set out in section 79(3).

Under Section 79 of the EPA, a local authority must take all reasonable steps to investigate a complaint. The most common course of action therefore for someone to take against a statutory nuisance, is to bring a complaint under the EPA to the environmental control team of the relevant local authority.

If the smoke is found by the local authority to be a statutory nuisance then, in the first instance, it would normally serve an abatement notice requiring the offender to reduce or stop the nuisance. If the abatement notice is not adhered to, then (on summary conviction in the magistrates' court), the penalty for a person committing the offence will depend on where it occurs:

- On industrial, trade or business premises it is an unlimited fine.
- For other premises, it is a fine not exceeding level 5 on the standard scale (unlimited), together with a further daily fine of one-tenth of the greater of £5,000 or level 4 (£2,500) on the standard scale for each day on which the offence continues after the conviction.

If, for whatever reason, the local authority does not take action, or if someone does not want to involve them then they can complain about statutory nuisance directly to the magistrate's court under section 82 of the EPA. Again, the magistrates' court will need to be persuaded that the problem amounts to a "statutory nuisance". If the court finds that there is a statutory nuisance, the court will issue an order telling the offender to stop the nuisance and what they have to do to achieve this. The court may also give the offender a fine.

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<sup>49</sup> [Section 79](#) (1), Environmental Protection Act 1990.

As set out in section 4 of this briefing some potential statutory nuisances like noise, smell and dust are controlled with environmental permits, as part of the environmental permitting system. Local authorities are advised by the government to work closely with Environment Agency to make sure that people are not penalised twice for the same activity.<sup>50</sup> If a facility has an environmental permit, local authorities must get the Secretary of State's permission before prosecuting for breach of a statutory nuisance abatement notice. For further information see gov.uk guidance, [Interaction between Environmental Permitting and local authorities' statutory nuisance duties](#), 29 September 2017.

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<sup>50</sup> Gov.uk, [Statutory nuisances: how councils deal with complaints](#), 7 April 2015



## 7 Clean air zones

Clean Air Zones (CAZs) are a measure that local authorities can put in place to help control emissions of harmful pollutants from vehicles and reducing public exposure. They are defined areas where only the cleanest vehicles are encouraged to operate, to improve air quality. Although there does not have to be a charge to enter a CAZ, there is generally a charge set for a certain type of vehicle (normally older, more polluting vehicles) to enter the zone.

The ability for authorities to introduce a Clean Air Zone is set out in the [Transport Act 2000](#). Part III of the Act empowers local authorities (as “charging authorities”) to make a local charging scheme in respect of the use or keeping of motor vehicles on roads.<sup>51</sup>

For further information see:

- GOV.UK guidance, [Clean air zones](#), 26 March 2024; and
- Defra policy paper, [Air quality: clean air zone framework for England](#), 6 October 2022.

For further information is also provided in the Library briefing, [Clean Air Zones, Low Emission Zones and the London ULEZ](#), August 2023.

### 7.1 Ministerial directions to consider clean air zones

UK, Welsh and Scottish<sup>52</sup> Governments have powers in the Environment Act 1995 (section 85) to issue “directions” to local authorities in their areas where there are exceedances of air quality limits.

Generally, as part of this work under such a direction, a local authority will need to demonstrate that it has considered the establishment of a clean air zone. This is because, quite often, a clean air zone will be the quickest way to deliver compliance, in the shortest possible time. It is not the only measure available however and other measures such as building bypasses, reducing

<sup>51</sup> HM Government, : [Clean air zone framework for England \(principles which Local Authorities should follow when setting up clean air zones\)](#), May 2017, p21

<sup>52</sup> In Scotland this is the Scottish Environment Protection Agency (SEPA) acting with the approval of Scottish Ministers

speed limits, retro-fitting buses with cleaner technology etc can also be considered. The previous government set this out further in a PQ response:

Government has been consistently clear that if a local authority can identify measures other than charging zones that are at least as effective at reducing NO<sub>2</sub> to legal levels but with less of an impact, those measures should be preferred. Any alternative will need to deliver compliance as quickly as a charging CAZ if it is to be preferred for inclusion in the plans which local authorities develop.<sup>53</sup>

Not all local authorities that were required to consider to clean air zones have had to implement one. This is because it has been agreed that other measures will be sufficient to deliver air quality compliance in the shortest possible time.

The specialist publication ENDS Report highlighted in December 2020 that Southampton, Nottingham, Derby, Leeds, Essex, Coventry had all agreed alternative plans with the Government to a charging CAZ.<sup>54</sup> For an example of a Government revocation letter, formally revoking an air quality direction see [letter to Leeds City Council](#), dated 20 October 2020 (opens PDF).

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<sup>53</sup> [PQ 28963 \[Clean Air Zones\], 13 July 2021](#)

<sup>54</sup> MAPPED: Whatever happened to clean air zones? [ENDSReport](#), 11 December 2020

## 8

## Planning

The [National Planning Policy Framework](#) (NPPF, December 2024) sets out the government's planning policies for England and how it expects these to be applied. It provides the framework for producing local plans for housing and other development, which in turn provide the background against which applications for planning permission are decided.

In its chapter on conserving and enhancing the natural environment, the NPPF says (amongst other things) that planning policies and decisions should contribute towards compliance with relevant air quality objectives, and opportunities to improve air quality should be identified, preferably at the plan-making stage:

199. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.<sup>55</sup>

The more detailed guidance in the [Planning Practice Guidance \(PPG\) on air quality](#) published by the government reiterates that consideration of air quality issues at the plan-making stage can ensure a strategic approach and help secure net improvements in overall air quality. It points out too that it is important to take into account air quality management areas, Clean Air Zones and other areas including sensitive habitats or designated sites of importance for biodiversity, where there could be specific requirements or limitations on new development because of air quality. The guidance also outlines various impacts on air quality to be considered before granting planning permission.<sup>56</sup>

[Interim Planning Guidance on the consideration of the Environment Act PM<sub>2.5</sub> targets in planning decisions](#) was published on 4 October 2024. This document sets out that pending publication of new guidance, applicants are advised to provide evidence in their planning applications that they have “identified key sources of air pollution within their schemes and taken

<sup>55</sup> HM Government, [National Planning Policy Framework](#), December 2024, para 199

<sup>56</sup> HM Government, [Guidance: Air quality](#), 6 March 2014, updated 1 November 2019

appropriate action to minimise emissions of PM<sub>2.5</sub> and its precursors as far as is reasonably practicable. If quantitative evidence is not available, a qualitative approach can be taken. This applies to all developments which would normally require an air quality assessment.”<sup>57</sup>

## Planning conditions

Local planning authorities have wide powers, when granting planning permission, to impose planning conditions. Planning conditions are generally used to limit or prevent problems that may otherwise be caused by the development for which planning permission is being sought.

The PPG also deals with the [use of planning conditions](#).<sup>58</sup> As it explains, planning conditions may be imposed where tests set out in the NPPF are met. Any planning conditions related to air quality would need to meet these tests. The current wording of the tests is laid out in paragraph 58 of the NPPF, which says that the conditions should be:

- necessary to make the development acceptable in planning terms
- directly related to the development and
- fairly and reasonably related in scale and kind to the development.<sup>59</sup>

The PPG observes that conditions requiring compliance with other regulatory regimes will not meet the test of necessity and may not be relevant to planning.<sup>60</sup>

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<sup>57</sup> Defra, [PM2.5 Targets: Interim Planning Guidance](#), 4 October 2024

<sup>58</sup> HM Government, [Guidance: Use of planning conditions](#), 6 March 2014, updated 23 July 2019

<sup>59</sup> HM Government, [National Planning Policy Framework](#), December 2024, para 58

<sup>60</sup> HM Government, [Guidance: Use of planning conditions](#), 6 March 2014, updated 23 July 2019: paragraph 005, revised 23 July 2019

## 9 Funding

Funding for air quality improvements can be both direct and indirect and have more than one purpose. For example, funding aimed at encouraging a switch to cycling and walking might have the aim of reducing congestion on the roads, but may also bring improvements for air quality. The following sections set out the sources of funding that have been explicitly linked to air quality improvements at a local authority level.

### 9.1 UK Government funding

The National Audit Office (NAO), in its 2022 report, [Tackling local breaches of air quality](#), set out that there are three main tranches of funding available to local authorities to help deliver compliance with nitrogen dioxide limits:

- The Implementation Fund, which provides funding to assist local authorities in developing and implementing clean air plans.
- The Clean Air Fund, which is to assist local authorities to support those affected by the plans and help to improve the local acceptability of clean air measures by making it easier, more attractive or more affordable for individuals and businesses to change to cleaner modes of transport, by enabling a local authority to implement plans that collectively impact on fewer people; or by reducing transport costs for people.
- Feasibility funding to support local authorities that were directed to conduct targeted feasibility studies to identify measures that could bring forward compliance.<sup>61</sup>

The NAO's report summarises the funding levels awarded as follows:

2.17 As at February 2020 JAQU [Joint Air Quality Unit] had awarded £522 million to local authorities through to 2021-22 with more than half (54%) to support individuals and business affected by the plans (through the Clean Air Fund), around one third of this (35%) going towards the implementation of measures (through the Implementation Fund) and 10% towards funding for feasibility studies. Government has also budgeted a further £180 million in 2022-23. HM Treasury told us that it has not set a firm limit for the budget for local authorities' implementation of measures to tackle breaches, in order to meet a legal requirement that cost cannot be a limiting factor to achieving compliance in the shortest possible time. It has set a budget in the usual way for the Clean Air Fund.<sup>62</sup>

<sup>61</sup> National Audit Office, [Tackling local breaches of air quality](#), June 2022, p33

<sup>62</sup> National Audit Office, [Tackling local breaches of air quality](#), June 2022, p33

## Air Quality Grant Scheme

Until 2023 Defra had previously run an Air Quality Grant Scheme, which local authorities in England could apply to, to help improve air quality. A [series of press releases on the air quality grant scheme](#) set out the funding awarded each year.

In May 2024 the previous government said that it had decided not to fund the scheme for the 2023-24 financial year and would seek to redesign it:

The Minister used his discretion not to fund the Local Air Quality Grant Scheme for the 2023-2024 financial year. He has asked Defra officials to consider the future of the scheme and how it might be redesigned to better deliver positive outcomes for local air quality and public health and therefore enhanced value for money for taxpayers.<sup>63</sup>

On 7 August 2024 the current government said that, “No decisions have been made yet on the future of the Air Quality Grant.”<sup>64</sup>

## 9.2 Scottish Government

When asked about funding given to local authorities to support clean air initiatives, the Scottish Government has highlighted that this is part of the overall financial support given to local authorities:

It is the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources available to them, including on reducing vehicle emissions, on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities.<sup>65</sup>

## 9.3 Welsh Government

The Welsh Government has announced a [local air quality management support fund 2024 to 25](#). The fund is £1 million and local authorities had a chance to bid for support for projects meeting one or more of the following criteria:

- Prevention – action that seeks to improve air quality and prevent worsening of concentrations and/or an exceedance of air quality objectives.
- Mitigation – action that seeks to improve air quality in an Air Quality Management Area (AQMA).

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<sup>63</sup> [Air Pollution: Pollution Control, UIN 24733](#), answered 24 May 2024

<sup>64</sup> [Air Quality Grant Scheme: Finance, UIN HL530](#), answered 7 August 2024

<sup>65</sup> Scottish Parliament [Question reference: S6W-10764](#), answered 31 October 2022

- Innovation – action using innovative methods or technologies to improve air quality and/or reduce exposure.<sup>66</sup>

Prior to this, in 2018, the Welsh Government established a £20m fund to reduce emissions and improve the environment in Wales. The Air Quality Fund, which ran until 2021, supported local authorities to comply with nitrogen dioxide limits and improve air quality in their areas.<sup>67</sup>

## 9.4

### Northern Ireland

An overview of specific schemes funded by the Northern Ireland Department for Agriculture, Environment and Rural Affairs (DAERA) is provided in the November 2020, [A Clean Air Strategy for Northern Ireland – Public Discussion Document](#). The document sets out that DAERA has a Local Air Quality Management (LAQM) grants scheme which draws down from its Environment Fund. Councils apply annually for funding from the Department to carry out air quality monitoring and assessment, and to prepare and implement action plans.<sup>68</sup>

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<sup>66</sup> Welsh Government, [Local air quality management support fund 2024 to 25](#), updated 4 June 2024

<sup>67</sup> Welsh Government press release, [£20m Air Quality Fund among new measures to improve air quality in Wales](#), 24 April 2018

<sup>68</sup> Northern Ireland Department for Agriculture, Environment and Rural Affairs, [A Clean Air Strategy for Northern Ireland – Public Discussion Document](#), November 2020, p118



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