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Local Authority:	<b>Lewes and Eastbourne Councils</b>
Reference:	<b>ASR23-1763</b>
Date of issue	<b>August 2023</b>

## **Annual Status Report Appraisal Report**

The Annual Status Report sets out new information on air quality obtained by Lewes and Eastbourne Councils (LECs) as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations. A consolidated Annual Status Report has been submitted for Lewes District Council (LDC) and Eastbourne Borough Council (EBC).

There are currently two Air Quality Management Areas (AQMA) declared within LECs jurisdiction, both within LDC declared for exceedances of the NO<sub>2</sub> annual mean objective:

- Lewes Town Centre AQMA.
- A259 Newhaven ring road and Town Centre No 1

The revocation of an AQMA should be considered following three consecutive years of compliance with the relevant objective as evidenced through monitoring. Where there have been no exceedances for the past five years, local authorities must proceed with plans to revoke the AQMA. The LAQM Technical Guidance 2022 is clear in this respect:

"There should not be any declared AQMAs for which compliance with the relevant objective has been achieved for a consecutive five-year period." (Point 3.57, page 50).

AQMAs should identify areas where air quality objectives are not being met or are likely to be at risk of not meeting them. Keeping AQMAs in place longer than required risks diluting their meaning and impacting public trust in LAQM. Both AQMAs in LEC have been compliant for 3 years plus (LDC discounts 2020 and 2021 in years of compliance as these were anomalous years affected by COVID-19). LDC should review the status of their AQMAs and consider revocation.

Eastbourne Borough Council has no declared AQMA. From 2023 those authorities who have not had to designate AQMAs and produce AQAPs will be required to draw up a local Air Quality Strategy. These strategies will not have a set format and authorities will be able to draw on content within their ASRs and local transport plans to produce them. The local Air Quality Strategy requirement aims to encourage local authority prevention and reduction of polluting activities in preference to only taking steps to reduce air pollution once exceedances have been identified.

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Automatic monitoring was undertaken at one site in LDC and two sites in EBC during 2022, each measuring NO<sub>2</sub> and PM<sub>10</sub>. PM<sub>2.5</sub> was also monitored at one newly established site within LDC, LS8 and one site in EBC, EB3. No exceedances of the short or long-term objectives for any pollutant were recorded at any automatic monitoring site in 2022. O<sub>3</sub> was additionally monitored at EB1. On 12 occasions in 2022, the 8-hour mean was reported to be greater than 100 µg/m<sup>3</sup>, exceeding the AQS objective of 10 times annually.

Non-automatic (passive) monitoring of NO<sub>2</sub> was conducted at 50 sites in LDC and 21 sites in EBC. During 2022, there was one exceedance of the annual mean objective for NO<sub>2</sub>, 41.3 µg/m<sup>3</sup> at Site 3, located at 16 Southway in Newhaven. Upon distance correction this value fell to 24.4 µg/m<sup>3</sup>. The highest annual mean NO<sub>2</sub> concentration recorded in EBC was 26.8 µg/m<sup>3</sup>. Increases are recorded in measured NO<sub>2</sub> concentrations at some sites between 2021 and 2022. The Council have attributed this to the lifting of COVID-19 related lockdowns and restrictions.

LECs have robust QA/QC procedures, which were applied appropriately and accurately to the 2022 monitoring data. Six diffusion tube sites required annualisation (5 in LDC and 1 in EBC). A national bias adjustment factor of 0.83 was applied to the 2022 diffusion tube data. Site 3 in LDC required distance correction. Appropriate calculations were shown. All automatic achieved data capture of above 75% and thus annualisation was not required. Distance correction was also not required at any automatic site.

Several measures were taken forward to address air quality in the Councils. LDC continues to progress Cycle Route 90. In 2022, EBC completed the detailed design for the Eastbourne Town Centre Improvement Scheme Phase 2a. Both councils continued anti-idling campaigns. In 2023, LDC started preparing a revised AQAP and dispersion modelling is currently being undertaken to evaluate the AQMA's located in Lewes Town Centre and Newhaven.

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Defra recommends that Directors of Public Health approve draft ASRs. Sign off is not a requirement, however collaboration and consultation with those who have responsibility for Public Health is expected to increase support for measures to improve air quality, with co-benefits for all. Please bear this in mind for the next annual reporting process.

On the basis of the evidence provided by the local authority the conclusions reached are **accepted** for all sources and pollutants. Following the completion of this report, Lewes and Eastbourne Councils should submit an Annual Status Report in 2024.

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## Commentary

The report is well structured, detailed, and provides the information specified in the Guidance.

The following comments are designed to help inform future reports:

1. Comments from previous ASR appraisals are included and directly responded to. This is welcomed and encouraged for future reports.
2. LDC has two active AQMAs, both have been compliant with the relevant AQS objectives for 3 years. They have stated their intention to review these AQMAs alongside the revision of their AQAP. This is encouraging to hear.
3. The councils have included a good Local Engagement and How to get Involved section with lots of information for the public about how to get involved with improving air quality.
4. It is noted that some sections of Table 2.2 are left blank. The council should endeavour to complete all sections of this table with available information.
5. There are instances where pollutants are not subscripted. For example, NO<sub>2</sub> in Table A.3. whilst this does not affect the readability of the report, the Councils should ensure future reports are checked for such errors.
6. The O<sub>3</sub> 8-hour objective was exceeded at EB1 in 2022. While LECs are not required to report monitoring data in this report, the councils are encouraged to keep this under supervision in the event of any further exceedances.
7. The councils have included appropriate maps of their monitoring network. The zoomed in sections aid the readability.
8. Overall, the report is detailed and satisfies the relevant criteria. The councils should continue their good and thorough work.

This commentary is not designed to deal with every aspect of the report. It highlights a number of issues that should help the local authority either in completing the Annual Status Report adequately (if required) or in carrying out future Review & Assessment work.

**Issues specifically related to this appraisal can be followed up by returning the attached comment form to Defra, Welsh Government, Scottish Government or DOE.**

For any other queries please contact the Local Air Quality Management Helpdesk:

Telephone: 0800 0327 953

Email: LAQMHelpdesk@bureauveritas.com

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## LAQM Guidance Notes – 2023

Through the Environment Act 2021 and updated Local Air Quality Management Statutory Policy Guidance 2022, the Local Air Quality Management (LAQM) framework has been considerably strengthened. This page highlights some of the changes for delivery to help you prioritise action for improved air quality:

### 1. Strengthened Criteria for Air Quality Action Plans (AQAPs)

Where a Local Authority is not meeting air quality objectives, they must create an AQAP setting out their intentions to improve air quality in the area. Without current action plans in place, Local Authorities risk negatively impacting their communities by not proactively working to reduce air pollution in the area.

The requirements and guidance around AQAPs were recently strengthened under the Environment Act 2021 and revised LAQM Statutory policy guidance, which Local Authorities must have regard to. The key criteria for action plans are that they:

- set out the measures they will take to secure the achievement, and maintenance, of air quality standards and objectives
- specify a date by which each measure will be carried out
- are revised no later than every five years

### 2. New Escalation Process for Reporting

To ensure ASRs and AQAPs are delivered on time, Defra has introduced a new reminder and warning letter system for Local Authorities. This system was set out in the LAQM Statutory Policy Guidance 2022, published on 6 August 2022.

From 30 June 2023, Local Authorities with overdue ASRs and AQAPs will start to receive their first reminder letters. As set out in the Tables 1 and 2 below, if reporting requirements continue to be missed, the matter can be escalated to a Section 85 Secretary of State direction to the relevant Local Authority Chief Executive specifying action.

You are therefore advised to ensure all statutory reporting duties for LAQM are met on time. Please refer to the LAQM Statutory Policy Guidance 2022 for more information.

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**Table 1: Reminder and warning process for ASRs**

<b>Timescale</b>	<b>Enforcement</b>	<b>Recipient</b>
Six months before deadline - <b>January</b>	<b>Pre-reminder letter</b>	From the Air Quality and Industrial Emissions (AQIE) Deputy Director to all local authority Chief Executives and relevant director/s - environment & public health reminding them of LAQM statutory requirements.
Two months before deadline - <b>April</b>	<b>Final pre-reminder letter</b>	From Defra's LAQM team to all Air Quality officers reminding them of June deadline
One month overdue - <b>July</b>	<b>Reminder letter</b>	From Defra's LAQM team to Air Quality Officer at non-submitting local authorities
Three months overdue - <b>September</b>	<b>Warning Letter</b>	From the AQIE Deputy Director to relevant director/s - environment & public health
Four months overdue - <b>October</b>	<b>Final Warning letter</b>	From the AQIE Deputy Director to relevant director/s - environment & public health
Six months overdue – <b>December</b>	<b>Ministerial letter:</b> Section 85 direction	Local Authority Chief Executive

**Table 2 – Reminder and warning process for AQAPs - Due to be revised at least every five years**

<b>Timescale</b>	<b>Enforcement letter</b>	<b>Recipient</b>
<b>AQAP 2 months overdue</b> (e.g. 14 months post AQMA designation or 5 years & 2 months since previous AQAP publication)	<b>Reminder letter</b>	From Defra's LAQM team to Air Quality Officer at non-compliant Local Authority
<b>AQAP 4 months overdue</b>	<b>Warning Letter</b>	From the AQIE Deputy Director to Environment Health / Air Quality Manager at non-compliant Local Authority
<b>AQAP 6 months overdue</b>	<b>Final Warning letter</b>	From the AQIE Deputy Director to relevant Director at non-compliant Local Authority
<b>AQAP 8 months overdue</b>	<b>Ministerial letter:</b> Section 85 direction	Local Authority Chief Executive

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### 3. Public Bodies Required to Contribute to Action Plans

The Environment Act 2021 amended the Environment Act 1995 to increase the number of public bodies that have a duty to co-operate with Local Authorities for LAQM. Air quality partners are certain other public bodies that a Local Authority identifies as having responsibility for a source of emissions contributing to an exceedance of local air quality objectives. This could be a neighbouring authority, National Highways, or the Environment Agency. Once identified, there is a statutory requirement for such public bodies to engage and to contribute actions they will take to secure achievement of the local air quality objective and to maintain achievement thereafter.

All tiers of local Government are also now required by law to collaborate to address exceedances of Air Quality Objectives. County councils, the Mayor of London and combined authorities have similar duties to air quality partners. The difference is that, when requested, they must contribute to an action plan being prepared by a Local Authority, regardless of whether the local authority has identified them as being responsible for a source of emissions.

Under the new legislation, you may choose to request the support of another public body in the development of an AQAP and the same may be requested of your organisation.

Please refer to the LAQM Statutory Policy Guidance 2022 for more information. Should you require further assistance, please contact the LAQM Helpdesk:

Web: <http://laqm.defra.gov.uk/helpdesks.html>

FAQs: <http://laqm.defra.gov.uk/laqm-faqs/>

Tel: 0800 032 7953

Email: [laqmhlpdesk@uk.bureauveritas.com](mailto:laqmhlpdesk@uk.bureauveritas.com)

The Air Quality Hub also provides free online information and is a knowledge sharing resource for local authority air quality professionals: <https://www.airqualityhub.co.uk/>

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## **Appraisal Response Comment Form**

Contact Name:	
Contact Telephone number:	
Contact email address:	UKLAQMAppraisals@aecom.com

**Comments on appraisal/Further information:**