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# Horizon Scanning: Air Quality Policy

Policy developments and opportunities to engage

Version 1.0

**May 2023**



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# Horizon scanning: air policy

## Policy developments and opportunities to engage, May 2023

*This is a briefing paper on policy relating to air pollution and indoor and ambient air quality. In recent years, the importance of air pollution has been increasingly recognised, with a series of legislative and governance developments. As such, there are multiple opportunities for positive engagement with policy and decision makers.*

*The paper is intended for IAQM and IES members to encourage awareness of relevant policy issues, support horizon scanning for environmental professionals, and identify opportunities to engage with decision makers and the public on emerging issues linked to air pollution and the wider environmental sciences.*

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## 1. Specialism-specific relevance

This briefing is primarily written for an audience of air quality professionals. Other environmental specialisms which may be affected by the subject-matter of the briefing include:

- Built environment
- Climatology
- Environmental management
- Impact assessment
- Sustainability
- Transport

Ultimately, this subject is likely to affect any professional whose work concerns air quality, air pollution, or consenting and planning processes.

## 2. Environmental Improvement Plan

In January 2023, the UK Government published its [Environmental Improvement Plan](#) (EIP) as the first update to its [25 Year Environment Plan](#).

The Plan covers 10 high-level goals, one of which is 'Clean Air', although several of the other goals directly interact with air, either by affecting the wider environment or through other goals with the potential for significant co-benefits.

Primarily, the EIP's action on air quality is focused on targets and limit values, which are addressed in the next section. However the EIP also outlines several key delivery mechanisms in support of reaching the selected targets.

These include:

- Measures to address, but not ban, domestic burning of solid fuels and promote a shift from more-polluting appliances, in conjunction with limits on sulphur content and smoke emissions from domestic burning in [Smoke Control Areas](#);
- Reviewing the communication of air quality information and running targeted campaigns to promote best practice for stoves, fireplaces, and domestic burning;
- Assessing the efforts of Local Authorities to improve air quality, re-aligning air quality zones with local government boundaries, and providing supporting guidance and funding (though the EIP makes no commitment to 'new' funding);
- Committing to a revised [Air Quality Strategy](#) (which has now been published following a brief consultation) and Local Transport Plan guidance to provide Local Authorities with more support in making decisions;



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- Consulting on improvements to the mechanisms for developing industrial process standards so that they better reflect environmental goals, particularly for smaller industry (where petrol stations, metals processing, and quarrying are specifically mentioned) based on the [Best Available Techniques](#) (BAT) approach;
- Measures to address nutrient use in agriculture, including through the [Sustainable Farming Incentive](#), a consultation on extending environmental permitting to dairy and intensive beef farms, and new funding for infrastructure and technology – with a view to addressing ammonia emissions, inorganic fertilisers, and emissions from increased anaerobic digestion;
- Increasing the rollout of [Clean Air Zones](#);
- Supporting the transition to ‘zero emission vehicles’ and ambition of the [Transport Decarbonisation Plan](#) through a range of measures such as investing in routes for active travel and the development of [Active Travel England](#), research into mitigation options for brake and tyre wear, and the early exploration of a single regulatory framework for all road vehicles;
- Commissioning a review of regulations governing air quality on the rail network, in conjunction with a Stations Air Quality Monitoring Network supported by £4.5million of funding;
- Seeking co-benefits for air from the refreshed [Clean Maritime Plan](#) and other measures to address the environmental impact of the domestic maritime sector.

Naturally, there are also many other areas of the EIP which may directly or indirectly influence air, with the potential for both risks as well as significant co-benefits in the delivery of the Plan. For more information, see the [full Environmental Improvement Plan](#).

There are also many other areas of Government policy which drive air pollution and pressures on air quality. From November 2023, all Government departments will be subject to the [Environmental Principles Policy Statement](#) (EPPS), which will require Ministers to have regard to five core environmental principles when making decisions. While this will include the effects of those decisions on air pollution, it does not encompass all decisions and may still lead to unintended consequences and environmental harm.

Although the EIP is now in place, it is clear that there will be several key opportunities for engagement by air quality management experts over the coming years. For the ambition of the EIP to be fully realised, it must be implemented and delivered. Engagement from air quality professionals can

support that process of implementation by providing insights on the success of delivery measures.

## 3. Environmental Targets

Along with the Environmental Improvement Plan (EIP), the Government has published a framework of long-term [legally-binding environmental targets](#), including those which apply to air quality, as required under the [Environment Act](#), both of which directly address PM<sub>2.5</sub>. The EIP also sets out interim targets to support progress towards the long-term targets, and to support the wider goal of clean air.

The [long-term targets for air quality](#) are:

- An annual mean concentration target that “by the end of 31st December 2040 the annual mean level of PM<sub>2.5</sub> in ambient air must be equal to or less than 10 µg/m<sup>3</sup>”;
- A population exposure reduction target that “there is at least a 35% reduction in population exposure [to PM<sub>2.5</sub>] by the end of 31st December 2040 ... as compared with the average population exposure in the three-year period from 1st January 2016 to 31st December 2018”;

The [interim targets for clean air](#) set out in the EIP are:

- An interim mean concentration target that “by the end of January 2028, the highest annual mean concentration in the most recent full calendar year must not exceed 12 µg/m<sup>3</sup> of PM<sub>2.5</sub>”;
- An interim population exposure target that “by the end of January 2028, compared to 2018, the reduction in population exposure to PM<sub>2.5</sub> in the most recent full calendar year must be 22% or greater”;

Outside of the specified air quality targets, a number of the other targets may present the possibility of risks or co-benefits for air. These include:

- A target to address nutrient pollution to watercourses from agriculture (specifically from nitrogen, phosphorus, and sediments), which may influence agricultural practices which also affect air quality;
- A target to address nutrient pollution to watercourses from treated wastewater (specifically phosphorus), which may influence waste and its impact on air quality;
- A target to increase tree canopy and woodland cover, which may lead to co-benefits for air quality, but which could also create competing incentives for land use, raising potential challenges and opportunities for air quality;



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Importantly, the air quality targets act in conjunction with the [existing targets and limit levels](#) which are already enshrined in UK legislation. Many of these existing air quality objectives are explicitly listed in the EIP, such as compliance with a  $40\mu\text{g}/\text{m}^3$  limit for nitrogen dioxide concentration and emission reduction targets for nitrogen oxides, sulphur dioxide, PM<sub>2.5</sub>, ammonia, and [non-methane volatile organic compounds](#) (NMVOCs).

In March 2023, the Environment Agency began [consulting on Environmental Assessment Levels](#) (EALs) for air quality, following a [prior period of consultation during 2021](#) and ahead of a third phase of consultation in the future. The current phase covers thirteen substances: acrylamide, butadiene, cadmium, chromium III, copper, ethylene oxide, hydrogen chloride, hydrogen cyanide, mercury, methyl chloride, methylene chloride, nickel, and selenium. For these substances, the consultation provides an opportunity for air quality professionals to contribute evidence.

Although there are other policy targets and limit levels addressing air, the targets listed in the EIP are likely to be the primary focus of UK Government policy on air quality, given their legally-binding and high profile nature. Where they have not been replaced or updated in the EIP, some existing regulations on air quality have been subjected to doubt due to the ongoing progress of the [Retained EU Law \(Revocation and Reform\) Bill](#), which is addressed in the next section.

Following the UK's exit from the European Union, it should be noted that the development of targets, limit levels, and goals has continued for both parties, creating different standards of regulation between the UK and the EU. This may lead to unintended consequences, particular on cross-border issues or those linked to complex economic systems.

Although the process for setting the targets has now ended, engagement from air management practitioners remains critical. Going forward, it will be important to ensure that efforts to implement and meet the targets accurately reflect the insights and expertise that the environmental sciences have to offer.

The challenge will be to articulate the technical requirements of translating the targets into real-world measures which are able to be adopted by the government officers and politicians responsible for making decisions. In that context, air quality practitioners and other environmental scientists specialising in air will be well-positioned to identify governance gaps and potential unintended consequences.

For further commentary on the selected targets and how they might affect policy and regulation for air quality, see the consultation responses to the environmental targets consultation from [the IAQM](#), its sister organisation, [the IES](#), and the [Society for the Environment](#).



## 4. Retained EU Law Bill

Following the UK's exit from the European Union, the Government has put forward a [Retained EU Law \(Revocation and Reform\) Bill](#), with the intention to address EU laws which still have effect in the UK. Retained EU law will either be:

1. Formally approved and retained in law going forwards;
2. Reformed and either updated or replaced with UK-created alternatives;
3. Given an explicit extension for further consideration.

Previously, the Government intended to allow retained law to 'sunset' and no longer have legal force from the end of 2023, though these plans are not now expected to move forward.

Currently, the full portfolio of retained EU laws is being considered by relevant Government departments (numbering [more than 3700 laws](#) in total, nearly 1800 of which are linked to the Department for Environment, Food & Rural Affairs (DEFRA), and a further 400 of which are linked to the Department of Transport). The process is likely to be lengthy and require significant investigation of the practical relevance of individual laws to the overall governance of the UK.

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Although significant changes to the regulation of air quality are unlikely given the extent to which the [EIP references existing legal frameworks](#), there is an ongoing need for engagement and for awareness of the potential ramifications for regulation of air and adjacent natural systems. More details may become clear as future expressions of intent by the Government are made public, including through the implementation of the revised [Air Quality Strategy](#).

Either way there will be a continued need for expert engagement by air quality professionals with the specifics of the review. Following [considerable criticism](#) of the Bill's [limited timeframe](#) for review, the Government has stated its intention to report back to Parliament on the laws due for repeal.

Consideration of how regulations work in practice will be fundamental to determining their appropriateness in the UK context, and whether reform, revocation, or retention will be the most suitable outcome.

### 5. Planning and Local Government

Consenting processes have significant effects on several of the sources of air pollution, as well as the potential to create infrastructure which contributes to positive outcomes for air. As part of the transition following the UK's exit from the European Union, the [Levelling-Up & Regeneration Bill](#) will make significant changes to some of those processes, particularly for the planning system, where [Environmental Impact Assessments](#) and [Strategic Environmental Assessments](#) are expected to be replaced with [Environmental Outcomes Reports](#) (EORs).

Those changes, as well as changes to the [National Planning Policy Framework](#) (NPPF), have been subject to consultation since the end of 2022, providing some expectations about how those processes will interact with air quality in the future. The [Draft NPPF](#) maintains the existing trend of air quality serving as one of many considerations in decisions, with the goal that developments do not exacerbate air pollution. Similarly, the [open consultation on EORs](#) explicitly highlights air quality as an objective of the new regime.

For more information about the interactions between the [Levelling-Up & Regeneration Bill](#) and consenting processes, read the [latest briefing paper from the IES](#).

Further indications of the Government's approach to the interaction between planning and air quality is available in the [Environmental Improvement Plan](#). That approach is primarily based on using the NPPF and [Building Regulations](#) to contribute towards meeting limit values for ambient air and to set ventilation requirements to address indoor air. It is also likely that the [Land Use Framework](#), due to be published by the end of 2023, will have an effect on these processes and their

interaction with air quality.

In London, the London Planning Guidance for [Air Quality Neutral](#) (AQN) and [Air Quality Positive](#) (AQP) have now been formally adopted by the Greater London Authority, following the [summary report](#) on the related consultation which was held during 2022. Now that the Guidance is in place, the benchmarks it sets out will influence developments with a view to reducing transport and building emissions.

The primary engagement with the newly adopted Guidance by air quality practitioners will be through its implementation on individual developments. Whether or not AQN and AQP Guidance becomes influential in the production of masterplans and development briefs, insights from professionals will continue to play an important role in specific projects. For AQN and AQP Statements to be effective at achieving their goals, they will require robust evidence, so professional expertise remains relevant. There are also likely to be opportunities to continue to engage on the effectiveness of the implementation of the Guidance, particularly ahead of the next [Annual Monitoring Report for the London Plan](#), which is due later this year.

In Scotland, the [Fourth National Planning Framework](#) (NPF4) has now been published in its final form. Similarly to the proposals for the NPPF, NPF4 recognises the importance of air quality in planning decisions, outlining that developments which pose "significant adverse effects" for air quality will not be permitted, as well as promoting the need to identify opportunities through developments to improve air quality and reduce exposure to pollution. Substantively, this is likely to lead to air quality remaining one of many consideration in Scottish planning decisions.

Soon, processes will be in place across the UK for planning decisions to support the increased inclusion of improved air quality in decision making. For those tools to be effective, engagement by air quality professionals will be necessary to maximise air quality as a consideration in local developments and to promote an approach which secures multiple benefits. There are likely to be many opportunities for professionals to engage with local processes in their own communities, as well as in more strategic dialogue as the NPPF and NPF4 are implemented in practice.



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### 6. Clean Air

Recent years have seen a substantial increase in public and political interest in the notion of clean air. In the [UK Chief Medical Officer's 2022 annual report](#), air pollution was highlighted as “a modifiable risk factor for disease”, raising the importance of ambient and indoor air quality to health outcomes. Meanwhile, the [Ella Kissi-Debrah case](#) has also brought the issue to the political sphere and reinvigorated legislative interest in air quality. Finally, the profile of indoor air quality has also risen considerably, partly due to the prominent [guidance on indoor air](#) produced by the IAQM.

This has led to the submission of a [Clean Air \(Human Rights\) Bill](#), initially in the House of Lords, and now ready to be considered in the House of Commons. The Clean Air Bill is a ‘[Private Members’ Bill](#)’, meaning that it is presented by an individual parliamentarian (in this instance Baroness Jones) rather than the Government. These Bills rarely succeed in becoming law without Government support. Naturally, this raises the question of whether or not the Government – which controls a majority of Members of Parliament (MPs) in the House of Commons – will support the Bill. If the Government instructs its MPs to vote against the Bill in the House of Commons, it is unlikely to become law.

Despite that risk, the broad objectives of the Bill align with the Government’s goals for air quality identified in the EIP. The Government has repeated its intention to improve air quality, but this support may not translate into a willingness to permit the Bill to become law, particularly without further amendments to the specifics of the legislation.

While the Government did not submit any amendments during the consideration of the Bill in the House of Lords, the Minister gave some clarity on the Government’s position during the [Second Reading of the Bill](#) in July 2022. The points of contention at the time were:

1. That the Government did not support the Bill’s inclusion of new binding targets, arguing that the existing [Environment Act framework](#) for targets was sufficient, and that some of the targets in the Bill could be unachievable, such as a 5µg target for PM<sub>2.5</sub>;
2. That the Government disagreed with the Bill’s proposals for which body or bodies would be best placed to have responsibility for certain review and advice responsibilities for air pollution, and whether further legislation was necessary to provide those responsibilities;
3. That the Government believed that the Environment Act already provided a sufficient framework for public authorities to contribute to the maintenance of clean air

when designated by the Secretary of State;

4. Similarly, that the Government believed that the [Environment Act 1995](#) and the [Environment Act 2021](#) sufficiently require Local Authorities to play a role in local management of air pollution without further legislation;
5. That the Government believed that existing monitoring measures, particularly under the [Air Quality Standards Regulations](#), are sufficient and do not require additional monitoring and assessment measures as proposed in the Bill;
6. That the Government disagreed with the creation of a Citizen’s Commission for Clean Air which could replicate and intrude on the role of the [Office for Environmental Protection](#);
7. That the Government believed that principles for consideration set out in the Bill duplicated the function of the existing environmental principles and [Environmental Principles Policy Statement](#), so were unnecessary;
8. That the Government disagreed with making clean air a human right, as some sources of air pollution are outside of Government control and as certain legal ramifications come with the creation of a human right;

Naturally, most of a year has now passed since the Minister’s statement during the Second Reading of the Bill, during which time the composition and priorities of the Government have changed significantly. It is not yet clear whether any or all of these concerns are still held by the Government, or whether they could be a barrier to the Bill’s progress through Parliament.

Regardless of the success of the Clean Air Bill in this instance, the legislative discussions focused on the Bill may contribute to future efforts at legislating in this area, both by the current Government and by future administrations.

In Wales, the [Welsh Government](#) has committed to its own [Clean Air \(Wales\) Bill](#) during 2023, which follows the [Clean Air White Paper](#) which was consulted on in 2021. The primary legislative instrument for the Welsh Government’s plan will be the [Environment \(Air Quality and Soundscapes\) \(Wales\) Bill](#). Much like in the UK Parliament, there is widespread support for action on clean air in [Senedd Cymru](#), though there may still be further debate on the specifics of the legislation proposed by the Welsh Government, which are now somewhat clearer after the publication of the [Government’s response](#) to the consultation on the White Paper.

Similarly, the ongoing implementation of [Clean Air Zones](#) during the coming months will provide further mechanisms to address ambient air quality, particularly in cities. A [Clean Air Zone for Greater Manchester](#) is currently under review and the



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introduction of other zones across England in recent years continues to provide opportunities to improve implementation and governance of clean air in urban contexts.

The role of air quality professionals in both legislative processes and the rollout of Clean Air Zones will be to continue positive engagement with these discussions to support the best possible legislative and regulatory framework for the monitoring and governance of air quality and related issues.

## 7. Climate change

The Government's [Net Zero Strategy](#) has a number of potential ramifications for air policy, including the potential to secure co-benefits for air quality. The Strategy addresses the Government's plans to promote active travel, decarbonise the transport sector, and increase agro-forestry, all of which have the potential for significant co-benefits to air quality.

At the same time, there are potential risks for air associated with the current Net Zero Strategy, such as the transition to low carbon fuel production and the use of bio-energy, both of which may have unintended consequences for air quality. However, the Strategy broadly identifies many of these challenges and notes the importance of preventing any negative consequences of the transition for air quality, mitigating the risks associated with the approach.

Currently, while air quality improvements and action to address climate change are almost universally recognised as co-benefits of each other, there is not a full strategic commitment to address these from the perspective of the systems with which they interact. This is also somewhat reflected in the level of detail currently available for the delivery of the UK's 'net zero' ambitions.

On 18th July 2022, the High Court ruled that the UK's [Net Zero Strategy](#) was unlawful. The [High Court determined](#) that further details were required to meet the UK's obligations under the [Climate Change Act](#), as the Strategy lacked sufficient evidence of the measures which would limit UK emissions to the levels set out in the UK's [Sixth Carbon Budget](#). In addition, a 5% shortfall was identified in the Strategy's reductions, so the Court also required the Government to give an explanation of the policies which would fill that gap.

These gaps had previously been identified in March 2022 [by the IES](#) and in June 2022 by the [UK Climate Change Committee](#). The Government has now been ordered to provide further plans by April 2023. An [update to the Strategy](#) has now been produced by the Government, somewhat addressing the requirements of the Sixth Carbon Budget but [not completely filling the gap](#). Further measures are expected, but these are not likely to come before the next general election.

Meanwhile, an independent '[Net Zero Review](#)' was commissioned with a specific mandate to determine whether the Government's approach to net zero is sufficiently pro-growth and pro-business. The Review [reported back](#) in January 2023, identifying net zero as "the economic opportunity of the 21st century". It set out 10 long-term missions to be completed by 2035 and 25 immediate actions to be completed by 2025, with a view to creating infrastructure and facilitating action by businesses and local government. Many of these recommendations are reflected in the Government's [updated climate commitments](#).

The need for further commitments towards the UK's Sixth Carbon Budget is likely to require further investigation of the potential for measures which may produce co-benefits for air quality. As such, there may be further opportunities for air quality professionals to engage with policy developments from a systems perspective, helping to promote multiple benefits for air quality, the climate, and human health and wellbeing.

## 8. Influencing Government decisions

An IES member briefing note: '[Influencing the UK Parliament](#)', first published in 2011 and most recently re-issued in 2022, provides an overview of some of the ways that environmental professionals can influence Parliament and legislation.

The IES also runs training to help environmental professionals learn more about policy, how it affects them, and how they can influence policy decisions. Regular training sessions are available for sign-ups [on the IES website](#).

In the UK, many issues of environmental policy are devolved to national administrations. If you live in Scotland, you can contact your [Member of Scottish Parliament](#) or [learn more](#) about influencing Scottish legislation. If you live in Wales, you can [contact your Member of Senedd Cymru](#) or learn more about the [business of the Senedd](#). If you live in Northern Ireland, you can [contact your local Member of the Legislative Assembly](#) or learn more about the [Assembly's work](#).





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