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Local Authority:	<b>Torbay Borough Council</b>
Reference:	<b>AR24-2441</b>
Date of issue	<b>October 2024</b>

## **Annual Status Report Appraisal Report**

The Annual Status Report sets out new information on air quality obtained by Torbay Borough Council as part of the Review & Assessment process required under the Environment Act 1995 (as amended by the Environment Act 2021) and subsequent Regulations.

The Council undertook passive diffusion tube monitoring of NO<sub>2</sub> at 15 monitoring locations using 20% TEA/Water methodology, with analysis carried out by Gradko. Over the last 12 months, there has been no change in monitoring between 2022 and 2023. There was no exceedance of the annual mean objective for NO<sub>2</sub> at any of the diffusion tube sites. The highest 2023 NO<sub>2</sub> concentration was noted at site DT11, at 33.4 µg/m<sup>3</sup>. DT11 is a roadside site located at 182 Kings Ash Hill Paignton. This site is not located in an AQMA. Over the past few years from 2019-2023, there has been a general decrease in annual NO<sub>2</sub> concentrations from the non-automatic sites within this period, with a single exception at site DT1 (18.3 µg/m<sup>3</sup> in 2019 to 20.1 µg/m<sup>3</sup> in 2023), where increases in the annual NO<sub>2</sub> concentration were noted between 2020 and 2023. The Council does not undertake any automatic monitoring of NO<sub>2</sub>.

Torbay Borough Council had two air quality management area (AQMA), within their jurisdiction at the start of 2023. The "AQMA Hele Road" and "AQMA Brixham Town Hall" were both originally designated for exceedances of the NO<sub>2</sub> annual mean air quality objective and revoked on 27<sup>th</sup> March 2023. 10 of the diffusion tube sites are located within now revoked AQMAs, former Brixham Town Hall AQMA (sites DT1, DT14 and DT 18) and former Hele Road AQMA (sites DT4, DT5, DT6, DT7, DT8, DT9 and DT10). The Council revoked both of the AQMAs in light of data noted in 2023 and previous years' data of 2019-2022.

From 2023 those authorities who have not had to designate AQMAs and produce AQAPs or had recently revoked AQMAs should draw up a local Air Quality Strategy. The objective of a local Air Quality Strategy is to encourage prevention and reduction of polluting activities in preference to only taking steps to reduce air pollution once exceedances have been identified.

Local Air Quality 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. As long as the strategy addresses air quality assessments and policy responsibilities under the LAQM regime, it can be combined with the authority's other relevant plans and strategies if it is logical to do so.

Defra will monitor whether Local Authorities have or are developing a local Air Quality Strategy through the ASR appraisal process.

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QA/QC procedures have been applied appropriately and accurately to the 2023 monitoring data. Both national and local bias adjustment factors have been considered, with justification provided regarding the decision to apply the national factor, with a national factor of 0.81 used. None of the diffusion tubes sites required distance correction for fall-off.

The Council have outlined 4 measures for improving local air quality in this submission and the progress made against these for the reporting year 2023. These include 'School Travel Plans', 'Signature for HGVs', 'Vegetation Clearance' and 'Reduction in HGVs'.

This ASR has not received Director of Public Health sign-off. 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.

The Council have provided details on actions to reduce PM<sub>2.5</sub> within Torbay Borough Council through wider policies to improve air quality, including promoting 'green travel plans for schools, park and ride schemes, cleaner vehicle technology and road realignments to ease traffic flow & reduce congestion.

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, Torbay Borough Council should continue with the analysis presented in this submission and then submit an Annual Status Report in 2025.

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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. The Council have correctly applied QA/QC protocols for annualisation and have selected an appropriate bias adjustment factor using a national factor.
2. The graphical trends showing the changes in annual mean NO<sub>2</sub> concentrations from non-automatic monitoring are well presented and accurately demonstrate the annual mean concentrations compared against the corresponding air quality objective for NO<sub>2</sub>.
3. The air quality initiatives discussed in the ASR are presented in a consistent format between the ASR document (section ii) and the supplementary Excel ASR Table (Table 2.2).
4. The Council have not yet produced an Air Quality Action Plan within the last five years. It is recommended that the Council work towards sharing details of an Air Quality Action Plan, or an Air Quality Strategy in the absence of any AQMAs, for the next ASR submission in 2025.
5. Figures presented in the report are well-labelled and allow the reader to see which non-automatic sites are present with the AQMAs within the Council's jurisdiction.
6. This ASR has not received Director of Health approval. Defra recommends that Directors of Public Health approve draft ASRs.
7. There are a couple of pages in Appendix A with only a single sentence of text, it may be a bit tidier for future submissions to reduce the amount of blank space between different tables and figures included in the Appendices.

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

The [Air Quality Hub](#) is now run by Defra, it is a free online information and knowledge sharing resource for local authority air quality professionals. Please consider onboarding on the Air Quality Hub to access a multitude of air quality resources and be kept up to date with local authority air quality activity and air quality news.

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## Appraisal Response Comment Form

Contact Name:	Alex Bulleid or Chris Widdecombe
Contact Telephone number:	01803 208049
Contact email address:	UKLAQMAappraisals@aecom.com

**Comments on appraisal/Further information (black text LA queries, red text Defra response):**

There are references within the appraisal to Torridge District Council, not Torbay and a diffusion tube location at 88 Welch Gate, which is not a location in the Council's area. Please could you amend these?

Reference to Torridge District Council removed and replaced with Torbay Borough Council. Amended this to "DT11 is a roadside site located at 182 Kings Ash Hill Paignton."

The list of which tube locations are in which former AQMA could also be updated to: former Brixham Town Hall AQMA (sites DT1, DT14 and DT 18) and former Hele Road AQMA (sites DT4, DT5, DT6, DT7, DT8, DT9 and DT10).

Added in updated text.

The final point in your commentary is '*The Council have proposed to revoke both of the AQMAs, but on further analysis it is only advisable to revoke AQMA Brixham Town Hall. AQMA Hele Road has not satisfied the criteria for AQMA revocation.*' As the report states, the AQMA has already been revoked because the criteria were fully met. Concentrations within both the former AQMAs were well below 36 µg/m<sup>3</sup> for all five years included in this report (and in fact previous to 2019 as well). Please could you either clarify what criteria you consider not to have been met, or remove this paragraph from the commentary?

Removed paragraph from commentary - bullet point 8.