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Date: 25 September 2015

Dear Sir/Madam,

LONDON LOCAL AIR QUALITY MANAGEMENT (LLAQM) CONSULTATION – LONDON COUNCILS’ RESPONSE

London Councils is committed to fighting for resources for London and getting the best possible deal for London’s 33 councils. Part think-tank, part lobbying organisation, and part service provider, London Councils formulates policies, organises campaigns and runs a range of services all designed to make life better for Londoners.

London Councils has been supportive of the development of a London-specific system of air quality management. We welcome the engagement between the GLA, London borough’s air quality officers and London Councils, including presentations to TEC, that informed the preparation of this consultation document. We hope that this continues as the GLA prepares the Technical Guidance that will provide further information about the proposals set out in this consultation.

The Mayor’s objective of reducing unnecessary bureaucracy in order to focus on actions is supported. However, we question whether all of the proposals, and whether the overall impact, will achieve the ambition to reduce unnecessary bureaucracy. We urge the Mayor to listen to the views and experiences of boroughs of the existing Local Air Quality Management (LAQM) process and the proposed LLAQM expressed through consultation responses.

London Councils’ detailed comments on the consultation proposals are set out below.

Yours faithfully,

A handwritten signature in black ink that reads "Julian Bell". The signature is written in a cursive style with a long horizontal flourish underneath.

CLlr Julian Bell

Chair of the London Councils Transport and Environment Committee

London Local Air Quality Management (LLAQM) Consultation – London Councils’ Response

Pollution does not respect administrative boundaries and some solutions are better planned and implemented at a regional level. A coordinated London-wide approach would make it easier to demonstrate that London is taking action to reduce emissions and reduce the harm caused by poor air quality. We welcome the engagement between the GLA, London borough’s air quality officers and London Councils that informed the preparation of this consultation document.

We consider that it would have been beneficial to have included a summary of the actions that the Mayor and TfL will take to tackle poor air quality in the city. We also consider that the LLAQM framework should include an obligation for TfL to produce a local report to boroughs to show how they have contributed to measures in the borough’s Air Quality Action Plan, which can be reflected in the borough’s Annual Status Reports.

The Mayor’s objective of reducing unnecessary bureaucracy in order to enable boroughs to focus on actions is supported. We welcome the preparation of the templates that boroughs can use to develop action plans and annual status reports. We also welcome the moves to increase the sharing of best practice amongst local authorities and have plans to do this ourselves. However, we question whether all of the proposals, and whether the overall impact, will achieve the ambition to reduce unnecessary bureaucracy.

We note that the consultation document proposes that boroughs will be able to access additional financial resources through the Mayor’s Air Quality Fund (MAQF) to address poor air quality. Boroughs have raised concerns that this funding is over-subscribed and consider that a clear and transparent approach to considering bids needs to be set out. London Councils considers that there is also a clear case for London’s local and regional government lobbying for additional funding from Defra to improve air quality in the Capital.

The LLAQM consultation document refers to the potential for any fines imposed by the European Court of Justice for a failure to meet limit values for pollutants to be passed down to other public bodies that the Government considers to be responsible. It appears to treat the Government as having absolute authority in this matter. In reality, our understanding of this process is that an independent advisory panel would be established to hear representations from interested parties to help identify the parties responsible, the split of responsibilities and culpability. The Minister’s ultimate decision would also be subject to judicial review by an aggrieved authority. We would expect the GLA, alongside London Councils, on behalf of London’s local and regional government to make a strong case for why the passing down of fines would be unreasonable and that London has taken the actions that could reasonably be expected at a pan-London and local level, given its powers and funding.

London Councils has the following comments to make on the different LLAQM proposals.

New guidance incorporating a new duty to work towards reducing emissions of PM_{2.5} (Question 2)

Scientific research suggests that PM_{2.5} is the pollutant which has the greatest effect on human health and so we welcome the proposal to include a role for boroughs to work towards reducing emissions of it, as long as this realistically reflects what they can achieve. We recognise that Defra has previously proposed to introduce this requirement into the national LAQM system that the London system would replace.

We note that the expectations of boroughs will be set out in Guidance, which will be published for consultation in December 2015. As such, there is some uncertainty about the extent to which this obligation will place new burdens on London's local councils. The impact assessment, which accompanies the consultation document, does not consider this proposal. Guidance should be provided on whether there are new actions that authorities may need to consider to reduce PM_{2.5} emissions or exposure over and above those that they are taking to reduce PM₁₀.

We are concerned that there will be little time between the publication of the final Technical and Policy Guidance in February 2016 and the launch of the new LLAQM system in April/May 2016, when new Annual Status Reports will be required, along with a reassessment of AQMAs.

Air Quality Management Areas (AQMAs) (Question 7)

We welcome the GLA's commitment to provide data from the London Atmospheric Emissions Inventory (LAEI) to assist boroughs in undertaking desktop reviews of AQMAs. Given that this forms a significant part of the new process for reviewing and designating AQMAs, the process would need to be reviewed if the support from GLA officers in collating and interpreting data from the LAEI was to be removed at some stage in the future.

The extent to which the requirement to review AQMAs every four years represents an additional burden on local authorities will vary from borough to borough, depending on current processes, availability of staff and resources. The GLA should work with those boroughs that consider that the time and resources that can be committed to actions to tackle air quality will be significantly reduced because of the increased reporting requirement to overcome this concern.

We note that the forthcoming Technical Guidance will establish what constitutes a "significant" change in concentrations of pollutants that will necessitate a reassessment of AQMAs. The GLA should engage with boroughs in developing this guidance, prior to the formal consultation in December 2015, to ensure that the LLAQM is developed collaboratively.

Air Quality Focus Areas (Questions 8-10)

We support the proposal that boroughs can nominate Air Quality Focus Areas to target the most problematic locations. However, we question whether there should be a distinction between proposed "Local Focus Areas" and existing "GLA Air Quality Focus Areas". Where possible, it would be preferable for boroughs and the GLA to work together to agree focus areas so that actions from local and regional government in London can be better coordinated.

Action Planning (Questions 11-14)

We support the Mayor's objective of supporting boroughs to keep their Air Quality Action Plans up-to-date, subject to this genuinely being required to drive a change in action to reduce emissions and exposure. We welcome the publication of the template and the action matrix that boroughs can use in developing new action plans. We question, however, whether a rigid insistence on plans to be updated every 5 years is appropriate. In some circumstances, it may be sensible for local councils to wait for the publication of a national or regional strategy, for example, before beginning work on a new local action plan.

The Impact Assessment that accompanies the consultation document notes that some boroughs have Action Plans that are significantly older than the proposed five year limit. The GLA should work with those boroughs that consider that the time and resources that can be committed to actions to tackle air quality will be significantly reduced because of the increased reporting requirement to investigate whether more support is needed to overcome this concern.

Planning and Development Control (Questions 15-17)

We welcome the suggestion that funding could be made available through the Mayor's Air Quality Fund to help boroughs set up systems to monitor the enforcement of the Non Road Mobile Machinery (NRMM) Low Emission Zone through planning conditions, where necessary. It is important that the GLA communicates the importance of the NRMM through London's planning networks. It should support boroughs by providing model planning conditions and evidence to be used in any planning appeals that may result from enforcement action.

Monitoring

We do not consider that the proposal to require boroughs to consult the Mayor two months prior to removing, moving or adding council-owned automatic NO₂ or PM monitoring stations is consistent with the objective of removing bureaucracy. We question why the impact assessment does not consider the cost to boroughs of maintaining the network of monitoring stations, despite this being an important consideration when deciding whether the data collected from the station is providing value for money. We are keen to understand whether

the GLA is able to offer financial support for retaining those monitoring stations that boroughs do not consider to offer value for money.

Reporting to TEC

The consultation document proposes that the GLA will report annually to the London Councils' Transport and Environment Committee on any areas of best practice and under-performance on air quality. We welcome this opportunity for an annual discussion on air quality policy and actions with the Mayor's representatives.

Action Matrix

We welcome the Action Matrix as a tool that will share best practice for reducing emissions and/or exposure between boroughs. We would, however, resist any plans to mandate the inclusion of actions from the matrix in boroughs' action plans. It is important that local council officers and members are able to develop actions that are appropriate for their area, based on their knowledge of the borough. In this context, we question whether it is necessary or appropriate for the matrix to include "priority levels".

We also question whether the "priority levels" in the draft matrix are appropriate. Whilst we support the objective of greater coordination between air quality, transport and public health policies, having Directors of Public Health sign off Annual Status Reports, for example, will not, in itself, improve air quality or reduce exposure. This action has the highest priority, whilst actions such as supporting freight consolidation and reallocating road space to support cycling, for example, have much lower levels of priority. This sends the wrong message about the importance of poor air quality in London and the measures that are needed to tackle it.