

Joan Walley MP
Environmental Audit Committee
Houses of Parliament
Westminster, London SW1A 0AA

Contact: John O'Brien
Direct line: 0207 934 9575
Email: john.obrien@londoncouncils.gov.uk
Date: 5 June 2014

Dear Ms Walley

**HOUSE OF COMMONS ENVIRONMENTAL AUDIT COMMITTEE ENVIRONMENT
INQUIRY ON ACTION ON AIR QUALITY – LONDON COUNCILS' RESPONSE**

London Councils represents London's 32 borough councils and the City of London. It is a cross-party organisation that works on behalf of all of its member authorities regardless of political persuasion.

London Councils makes the case to government, the Mayor and others to get the best deal for Londoners and to ensure that our member authorities have the resources, freedoms and powers to do the best possible job for their residents and local businesses.

The strategic direction of London Councils is set by the Leaders' Committee comprising of the Leaders of all of London's local authorities. London Councils also has a Transport and Environment Committee consisting of elected representatives from each of London's local authorities with statutory duties and responsibilities for transport and environment matters.

Our response to the Committee's inquiry on action on air quality has been developed following consultation with London's local authorities. It includes three recommendations to government on how to better support local authorities in improving air quality and you will also wish to note our position regarding the ability of government, under the Localism Act 2011, to transpose European financial sanctions to local authorities.

Yours sincerely

A handwritten signature in blue ink that reads "John O'Brien".

John O'Brien
Chief Executive

CC - Boris Johnson, Mayor of London
CC - Ruth Calderwood, Chair, London Air Quality Steering Group

HOUSE OF COMMONS ENVIRONMENTAL AUDIT COMMITTEE ENVIRONMENT INQUIRY ON ACTION ON AIR QUALITY – LONDON COUNCILS’ RESPONSE

Executive summary

1. We welcome the Environmental Audit Committee’s review of progress against the six areas for action identified in its 2011 report on air quality. It comes at a critical and worrying time for London’s local authorities regarding air quality when the EU has started legal proceedings against the UK for breaching levels of NO₂ pollution, and when those fines could potentially be passed on to local authorities.
2. On 1 August 2013, Cllr Catherine West, the former Chair of London Councils’ Transport and Environment Committee wrote, jointly with the Mayor, to the Secretaries of State for Environment and Transport, seeking commitment from government to additional steps to help us deliver further improvements to air quality in London¹. This was followed in September by London Councils’ response to the Defra consultation - “Review of local air quality management in England” (“the LAQM consultation”)².
3. In these we also reiterated our position regarding Part 2 of the Localism Act 2011, which introduced a discretionary power for a Minister of the Crown to require a public authority to pay some, or all, of a European Court of Justice (ECJ) financial sanction where the public authority has demonstrably caused or contributed to that sanction. We continue to believe it is unfair for one Minister to hold this power and, as set out in the policy statement³ accompanying the Localism Act, appoint the advisory panel that will report back as to whether the Minister should invoke the power or not. We also believe the procedure for apportioning fines, as set out in the policy statement, is a lengthy bureaucratic process and likely to result in public authorities becoming locked in an adversarial, expensive and time-consuming process which will serve to create friction between them rather than working with a common purpose for public benefit.
4. In this context, we do not believe the transposition of fines to London’s local authorities would be fair, reasonable or proportionate, as required under the policy statement:
 - Unfair, because at the time the Localism Act was being debated, the government was already exceeding air pollution targets and had less than a year to get an extension from the EU or face a potential fine of £300m which it ultimately failed to do, as the EU began legal proceedings earlier this year.
 - Unreasonable, because the cause and impact of air pollution cannot be contained within administrative boundaries.
 - Disproportionate, because government funding cuts to London’s local authorities, and to other organisations such as Transport for London (TfL) and the Environment Agency (EA), diminishes their capacity to tackle air quality in London. Any other financial penalties imposed on them would reduce this even further and only serve in hindering progress towards meeting the EU targets.
5. In recent years, a number of studies have established the link between poor air quality and health in urban areas. In London, TfL’s recent air quality modelling has indicated that approximately half of NO_x and PM10 emissions come from rail and road transport. That proportion is even greater in central London, where human exposure is also at its highest⁴. Public Health England estimates of mortality burdens associated with particulate air pollution show that, for London, 3,389 deaths age 25+ (7.2 per cent of the total) are attributable to poor air quality with 41,404 life-years lost⁵.

¹ <http://www.londoncouncils.gov.uk/policylobbying/environment/air/airqualitylettertogovt.htm>

² <http://www.londoncouncils.gov.uk/policylobbying/environment/air/responsetoLAQMreview.htm>

³ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6070/2180375.pdf

⁴ https://consultations.tfl.gov.uk/planning/air-quality-survey/consult_view

⁵ <https://www.gov.uk/government/news/estimates-of-mortality-in-local-authority-areas-associated-with-air-pollution>

6. London's local authorities have been taking measures to improve air quality in London since the nineteenth century, including implementing measures in the Clean Air Acts that followed the great smogs of 1952. Included below are a few examples from a host of activity being undertaken by London's local authorities, in partnership with other organisations as appropriate, to help improve air quality in London.

Recommendations

- I. Government prioritises investment for air quality improvement measures in London and the other core cities, to have the maximum impact on the overall UK targets and thus minimise the risk of EU fines.
- II. Government works with local authorities to develop a clear set of agreed priorities and targets including, where appropriate, through retention of Air Quality Management Areas (AQMAs) and Air Quality Action Plans (AQAPs). In London, government should work with the Greater London Authority and London's local authorities to develop a London-specific system for air quality management.
- III. Government sets out clearly the roles and responsibility for government departments, agencies, regional bodies and local authorities so that each tier of government knows what they are expected to deliver and duplication of effort is minimised.

Six areas for action

7. Outlined below is a summary of London Councils review of progress in the six areas for action identified by the Committee in 2011.

Priority and targets on air quality in Defra's planning

8. Since the 2013 consultations, on the review of local air quality management in England and the Clean Air Act, Defra has made relatively few public statements about air quality, in particular with relation to the EU fines and London local authorities would welcome early discussions with government about tackling air quality in London, in particular so that we are better able to meet the EU targets and thus avoid fines in future years.
9. In our response to the LAQM consultation, we stated that London local authorities felt that none of the four options proposed adequately met consultation Aim 2 that "local government and other stakeholders are clear on their roles and responsibilities and what they can do to help improve air quality". Given the challenges that London faces to meet air quality limit values, there is some support, amongst London's local authorities, for establishing a London-specific system for LAQM including clear roles, responsibilities and commitments from each tier of government, and additional funding and support for targeted projects in hotspot areas. London Councils would welcome the opportunity to have further discussions with government regarding a London-specific system for LAQM.

Case Study A: North London Air Quality Cluster Group

To prioritise and target action on air quality, Barnet, Enfield, Haringey, Harrow and Waltham Forest have declared an Air Quality Management Area (AQMA) for the pollutants of concern, such as NO₂ and PM10 due to exceedences of the objectives set in regulations. Where an AQMA has been declared; boroughs have put in place Air Quality Action Plans (AQAP) which are regularly updated to reflect revised national policy and regional plans – i.e. the Mayor of London's 'Clearing the Air' Air Quality Strategy and London Plan.

Strategy and inter-departmental co-ordination, including on transport and planning matters

10. In our letter to government, we asked government to commit to "Enhanced coordination within and across levels of government including Local Air Quality Management (LAQM)." With the tools and resources needed to tackle air quality distributed across different levels of Government (central, regional, local) and within multiple government departments (Defra, DfT, DECC, DCLG etc.), we believe government needs to provide the necessary coordination to:

- ensure appropriate action is taken at all levels by all the relevant organisations;
- reduce duplication of effort;
- optimise scarce funds and resources; and
- share knowledge, skills, expertise and best practice.

11. In London, local authorities' work on air quality is coordinated through the London Air Quality Steering Group, which also includes the Environment Agency, Transport for London and the Greater London Authority. In particular, London's local authorities are controlling air quality through the emissions from their own buildings and transport fleets and other activities such as through their planning processes for major developments.

Case Study B: City of London

The City Corporation has been reducing emissions from its buildings and fleet for a number of years. Since the 2008/9 financial year, PM10 emissions have reduced by over 50% and NOx by over 40%. This has been achieved by improved management and a reduction in size of the fleet and the purchase of newer, cleaner vehicles. Similarly emissions of PM10 and NOx from City buildings have reduced over the same time period by over 15%.

Case Study C: Croydon

Croydon's Construction Logistics Plan (CLP) is an important management tool for planners, developers and all parties involved in the planning process for construction work. CLPs are an effective way of reducing the negative effects of construction work on the local environment and road-users and generating cost savings by streamlining delivery activity. Case studies of the impact of the Croydon CLP show:

- *26% fewer vehicle delivery or collection visits to site during the build and fit out phases in comparison to the initial prediction prior to the development of the CLP;*
- *Fewer vehicle movements have resulted in less congestion, lower CO₂ emissions and better local air quality. Initial estimates suggest a 53.5 T reduction in CO₂ emissions, 2.7 kg less particulates and 266 kg less NOx; and*
- *Waste minimisation and management resulting in 94% recycling of site waste;*
- *On-time delivery performance was measured at 97% compared to an industry norm of approximately 85%, contributing to better on site efficiency and programme certainty for the developer and contractors.*

CLP's have been rolled out to other developments in Croydon and will play an important role in the Croydon Town Centre Construction Logistics Plan for the proposed significant development that is expected to take place over the next 5-10 years.

Support for local authorities in tackling air pollution, and how any European Commission fines might fall on them

12. In our letter to government, we asked government to commit to continuing the Defra Air Quality Grants Programme which has supported local authority activity to tackle local air quality hotspots, support monitoring and undertake research into local sources of pollution. While recognising that Defra is under pressure to deliver cost savings, it is essential that it continues prioritising, and provides long terms certainty, for funding this programme to enable local authorities to plan ahead. Given the scale of the air quality challenge in London, a significant proportion of the available funding should be prioritised here, not least to meet EU targets and avoid fines. Match-funding could be found through the Mayor's Air Quality Fund and by individual boroughs to increase the impact of Defra's investment.
13. Aside from financial support, local authorities need power to act and enforce. Amongst other issues, the right approach is needed to enable local authorities to properly manage emissions from non-road mobile machinery and generators, biomass, liquid biofuels and combined heat and power systems and existing powers relating to smoke control orders need to be retained.

14. As above, we believe the powers under Part 2 of the Localism Act 2011 are entirely unfair and the procedure for apportioning fines, as set out in the policy statement, is a lengthy bureaucratic process and likely to result in public authorities becoming locked in an adversarial, expensive and time-consuming process which will serve to create friction between them rather than working with a common purpose for public benefit.
15. Specifically in this context, we do not believe the transposition of fines to London's local authorities would be fair, reasonable or proportionate, as required under the policy statement:
 - Unfair, because at the time the Localism Act was being debated, the government was already exceeding air pollution targets and had less than a year to get an extension from the EU or face a potential fine of £300m which it ultimately failed to do, as the EU began legal proceedings earlier this year.
 - Unreasonable, because the cause and impact of air pollution cannot be contained within administrative boundaries.
 - Disproportionate, because government funding cuts to London's local authorities, and to other organisations such as Transport for London (TfL) and the Environment Agency (EA), diminishes their capacity to tackle air quality in London. Any other financial penalties imposed on them would reduce this even further and only serve in hindering progress towards meeting the EU targets.
16. London's local authorities have been taking measures to improve air quality in London since the nineteenth century, including implementing measures contained in the clean air acts that followed the great smogs of 1952. Throughout our response we have provided examples from a host of activity being undertaken to help improve air quality in London. However, they are undertaking some of this activity with other partners and funding cuts to the Environment Agency and Transport for London will also impact on borough activity.

Case Study D: Brent

Air pollution at Neasden Lane, Brent, has been frequently exceeding UK Air Quality Standards for some time. In 2012, the area exceeded the maximum limit of dust and particulates per cubic metre of air on 80 occasions. Brent and the EA have been working extensively with two waste transfer stations and a scrap metal recycling company to reduce dust and particulate pollution and early data shows this has had a significant impact in improving air quality for the area. As a result of this work, it's expected that air quality data will show that the Neasden Lane monitoring station will achieve compliance with UK Air Quality Objectives for 2013, measuring an average annual particulate reading below the 40µg per m³ of air and the 24 hour mean of 50µg/m³ which isn't expected to be exceeded more than 35 times a year.

Case Study E: Sutton

Sutton has been working closely with the EA on the monitoring and enforcement of industrial processes within the Beddington Lane Strategic Industrial Location. The council has been engaging local businesses on ways to secure environmental improvements and have carried out a consultation on the feasibility of setting up a Business Improvement District.

Implications of local authorities' enhanced responsibilities for public health

17. Public Health England estimates of mortality burdens associated with particulate air pollution show that, for London, 3,389 deaths age 25+ (7.2 per cent of the total) are attributable to poor air quality with 41,404 life-years lost.
18. The transfer of responsibility for local health improvement from the NHS (PCTs) to local authorities, under the Social Care Act 2012, creates an opportunity for greater joined up work regarding the impact of the environment on public health, including through the statutory Health and Wellbeing Boards (HWBs).

19. London's boroughs are uniquely positioned to understand the specific needs of their communities and to draw on a range of knowledge, expertise and resources from within their organisations, and with partners to develop effective local solutions to improve health outcomes for their residents.
20. All 33 London local authorities have established a local Health and Wellbeing Board and, to support them in taking on the new roles and responsibilities regarding public health, London Councils hosts the London Health Board and the Association of Directors of Public Health London (ADPH).

Case Study F: Bart's Health Trust

A joint partnership has been created between Bart's Health Trust, the GLA, the City of London, Newham, Tower Hamlets and Waltham Forest to create Clean Air Zones for all sites within Bart's Health Trust. The program has already engaged over 1000 people signposting them to the GLA's Breathe Better Together page⁶.

Low Emissions Zones and vehicle emissions limits

21. This is a key issue for London where most of the pollution is derived from vehicle emissions. In particular, in central London, the large volume of HGV/LGV construction and delivery vehicles, buses and taxis compound the problem.
22. In our letter to government we asked government to commit to:
 - Encouraging the early uptake of low emission and Euro VI vehicles, where they have been tested and demonstrably deliver the required emission reduction in urban driving conditions;
 - Tackling dieselisation of the car fleet by amending tax incentives, including vehicle excise duty (VED) and capital allowances;
 - Including improved vehicle air quality information in the DVLA database;
 - Developing enhanced retrofit standards and a supporting testing regime;
 - Putting in place mechanisms to stop removal of manufacturer-fitted pollution abatement systems;
 - Supporting regulation for noise reduction in the freight fleet and delivery practices;
 - Bringing penalty charges for engine idling into line with other traffic offences;
 - Introducing national emission standards or age limits for taxis;
 - Taking more action regarding tyre and brake wear; and
 - Reducing emissions from airport operations.

Case Study G: Wandsworth

i) regulatory changes enabling deliveries out of normal working hours would reduce daytime congestion and emissions.

A large scale trial of some of the regulatory changes set out above was carried out over three months in Wandsworth. The Freight Transport Association found that during the trial journey times, decibel levels, delivery costs and CO₂ emissions were reduced. Assuming benefits from the Wandsworth trial would be broadly replicated at other sites, there would be considerable national benefit to these regulatory changes.

ii) Putney High Street and emissions from buses

Wandsworth commissioned a study into the emission sources in Putney High Street in 2011 and the report was published in 2012⁷. The report showed 68% of NO_x emissions were from buses. As a result 46 new buses were provided, including 10 hybrids and 95 buses were fitted with Selective Catalytic Reduction (SCR) to reduce NO_x emissions. Provisional data for 2013 shows that there was a 62% year on year decrease in the number of exceedences of the hourly NO₂ objective at a monitoring station compared to the previous year. Wandsworth is engaging with business regarding deliveries on the high street that affect traffic

⁶ <http://www.cleanerairforlondon.org.uk/projects-campaigns/breathe-better-together>

⁷ http://www.wandsworth.gov.uk/downloads/file/6071/emissions_source_apportionment-putney_high_street

flow and further actions are planned. Successful applications were made to the Mayor's Air Quality Fund, including taking the Putney Model to other NO₂ hot-spots areas in the borough and work to implement best practice at construction sites.

Public awareness campaigns

23. In our response to the LAQM consultation we said that there was some support, amongst London's local authorities, for the proposal for a more public facing local air quality report that provides an annual review of action taken, providing that this is kept short and focused and is rolled into the annual progress report requirement. However, on its own, a public report is unlikely to significantly increase public awareness and smarter awareness-raising activity is needed at both national and local level using both tried and tested and new engagement channels.
24. For example, research London Councils commissioned regarding fuel poverty shows that local authority engagement channels are the most effective at reaching vulnerable residents. Greater use of social media would also help, for example the flood alerts issued by the EA throughout the severe winter weather have proved really effective and this method could be replicated to issue air quality updates.

Case Study H: South London Air Quality Cluster Group

i) new website www.lovecleanair.org

Bromley, Croydon, Lewisham, Merton, Sutton and Wandsworth are jointly developing the www.lovecleanair.org site which is due for launch in summer 2014. The website will contain extensive information to help people learn more about air quality and feature local air quality maps, an interactive street scene of air pollutants and their sources, and videos about the issue and its health implications for the capital. Although 'Love Clean Air' is aimed at the general public, its educational content and interactivity will mean that schools can use it as a resource for pupils.

ii) Schools Air Quality Campaign

Croydon, Lewisham, Merton, Richmond and Wandsworth are jointly undertaking a project to raise awareness of air quality amongst children, to reduce the exposure of children to poor air quality and to attempt to improve air quality through positive actions being taken such as a reduction in vehicle idling and a shift from cars to less polluting travel choices such as cycling and walking.

Wider transport policies

25. Encouraging people to walk and cycle more in London has become increasingly important in terms of moving people away from using cars for travelling short distances to increase health benefits and reduce pollution. According to the National Travel Survey 2012, 41 per cent of trips under five miles in London were made by cycling or walking, the highest proportion in the country
26. However, for people to walk and cycle more they need to be confident about their health and safety. In 2013, London Councils conducted a poll of a 1000 residents regarding walking and cycling in London⁸. Our poll found that pollution was the fourth highest reason deterring people from walking more (19%) and sixth highest for cyclists (10%). The primary reason deterring both groups was road safety and improving road safety and creating a safer urban environment (e.g. better pavements and cycle storage spaces) could encourage people to walk and cycle more and therefore have the ancillary benefit of reducing air pollution.

8

<http://www.londoncouncils.gov.uk/policylobbying/transport/cyclingwalking/WalkingandCyclinginLondonWhatResidentsThink.htm>