

► Air Quality

► London Councils' response to Defra Clean Air Strategy 2018

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.

Please find London Councils' comments on a number of the questions and issues posed in the online survey. Please note that a number of the boroughs will also submit their own individual responses.

Introduction

Air pollution contributes to approximately 40,000 deaths each year across the whole of the UK. Nearly 9,400 of those deaths are in London¹ alone. It is urgent that this issue, which is widely recognised as a public health emergency, is addressed and will require ambitious action. The UK has statutory obligations to keep concentrations of specified pollutants below certain levels. These are:

- fine particulate matter (PM_{2.5})
- ammonia (NH₃)
- nitrogen oxides (NO_x)
- sulphur dioxide (SO₂)
- and non-methane volatile organic compounds (NMVOCs)

London is not currently meeting the legal limits for roadside nitrogen dioxide (NO₂) concentrations. London regularly exceeds its annual air quality limit values for NO₂ within the first month of the year and in 2018 the limits were breached on 30 January. This is actually an improvement from 2016 which saw the annual legal limits exceeded within 6 days. Despite meeting annual EU PM_{2.5} concentrations levels, London has dangerous levels of PM based on World Health Organisation (WHO) guidelines. Our national emissions targets set ambitious reduction goals for 2010, 2020 and 2030. The UK has not yet met EU concentration limits for NO₂ that had a compliance deadline of 2010. This draft strategy sets out existing policies and a programme of new actions that will help the UK meet these targets.

Consultation questions

Chapter 1 – Understanding the problem

Q1. What do you think about the actions put forward in the understanding the problem chapter? Please provide evidence in support of your answer if possible.

¹ King's College London (2015) Understanding the health impacts of air pollution in London

The information included within this section of the report is very general in nature. The source apportionment data included describes emission sources in broad categories nationally, without quantifying the contribution that each source makes to areas exceeding air quality standards, or the extent of the impact on health. Overall the sources are inadequately described and the document down plays the role of road transport. For example, data included for primary PM_{2.5} indicates that 38% is from domestic wood and coal burning, while 'industrial' combustion accounts for 16%. No further details are provided. Figures for London show that the majority of boroughs (especially in central and inner London) have a greater contribution from road transport (59%)². While methodology will account for some differences, there is concern that the data is not helpful in contributing to an understanding of the problem.

London Councils supports efforts to improve the evidence base for understanding air pollution and its impacts on the population. We also agree with the proposals to bring national and local data into one portal for continued monitoring and modelling of air quality intervention impacts on a national scale. The validity of good quality local data collected by local authorities must be recognised. The new portal should be integrated with the existing reporting framework to ensure there is not an extra bureaucratic layer that increases the burden on local authorities.

Q2. How can we improve the accessibility of evidence on air quality, so that it meets the wide-ranging needs of the public and other interested parties?

Organisations such as the Royal Statistical Society (RSS) and the Open Data Institute (ODI) state that greater public access to good-quality data can provide a number of benefits, including improving local services and saving money³. The RSS also states that to be most effective, open data releases should meet impartial, independent and universal statistical standards, which include releasing data in forms that enable analysis and re-use. Local and combined authority leaders can help by signing up to the UK Statistics Authority's Code of Practice, and by informing and upholding its standards⁴. The government could develop a specific air quality data hub that is regularly updated and easy to use and navigate. Alongside requiring a plan for greater access to local data, central government should provide adequate funding to all local authorities to cover reasonable costs of any expansion to their collection and submission of data, including for new air pollution monitoring equipment.

Defra could undertake a national survey to understand how the public would most like to receive information on air quality. National campaigns can also contribute to a greater understanding of the issue, as well as promoting actions that individuals can take, not only to limit exposure but also reduce air pollution. The promised 'Green Great Britain Week' in autumn 2018, engaging the public on air quality and climate change could be an opportunity to do this.

Chapter 2 – Protecting the nation's health

Q3. What do you think of the package of actions put forward in the health chapter? Please provide evidence in support of your answer if possible.

Tackling fine particulate matter (PM_{2.5}), by halving the number of people exposed to levels greater than 10µg/m³ is welcome as a significant measure to improve health. However, this should be more ambitious by adopting the WHO level as a legal requirement. The milestones to monitor progress

² <https://data.london.gov.uk/dataset/london-atmospheric-emissions-inventory-2013>

³ <https://s3-eu-west-1.amazonaws.com/media.ts.catapult/wp-content/uploads/2017/04/12092544/15460-TSC-Q1-Report-Documents-Suite-single-pages.pdf>

⁴ <http://www.rss.org.uk/Images/PDF/influencing-change/2017/Manifesto%20Briefing%20Note%205%20-%20Increasing-access-to-local-data-June-2017%20PDF.pdf>

towards meeting any new PM_{2.5} objective will be critical and need to be comprehensively assessed to ensure all sources of PM_{2.5} have been considered. Given the potential health impacts of particulate matter consideration should also be given to ultra fine particles (PM_{0.1}), as well as monitoring of particle number alongside mass concentration, to ensure we have as full a picture as possible. We also believe that the system should be sufficiently flexible to react to changes where medical advice, either from the WHO or the government's own Committee on the Medical Effects of Air Pollution (COMEAP) committee, warrants a change.

Improving the information that the public receive on air pollution is key. London Councils research shows that those who say they are not aware of air quality issues are less likely to change their behaviour to reduce their exposure to air pollution, but also less likely to take action to actively reduce air pollution⁵. Therefore it could be inferred that greater knowledge can empower people to be a part of the solution to tackling air pollution. Any air quality messaging system needs to provide clear and concise information. London has a number of alert systems in place (airTEXT & King's College London), and any national approach will need to work with, and possibly learn from, these regional systems.

London Councils supports action to reduce concentrations of harmful PM_{2.5} and welcome the recognition of the World Health Organisation (WHO) limits, which are stricter than that of the EU. There is now a greater understanding of the impacts of PM (10 & 2.5) but the WHO recognises that there are no known safe limits to particulate matter, reducing the public's exposure as much as possible is crucial. New research by Global Action Plan found that primary and nursery school children were being exposed to 30% more toxic pollution compared to adults when walking along busy roads, due to their closer proximity to vehicle exhaust fumes⁶. This illustrates the importance of a robust plan to reduce exposure to harmful particulates. However, this can only effectively be achieved through a reduction in road transport.

Producing appraisal tools that enable the health impacts of air pollution to be considered in relevant policy decisions is crucially important. Ensuring the assessments are undertaken and follow a consistent approach, whilst considering the full costs and benefits, is essential. The appraisal tools should also apply to policy decisions made by all central government departments. Decisions made by the Ministry of Housing Communities and Local Government to permit change of use of non-residential properties to residential use without being assessed for air quality impacts are a backwards step.

We believe that engaging the health sector, and embedding air pollution in health professional's services is an important aspect of providing the right information to members of the public, especially those who are vulnerable and most at risk.

London Councils supports proposals for a comprehensive set of new powers designed to enable local targeted action on air pollution, for example the ability to set emission limits for combustion plant together with appropriate funding for enforcement. It is noted that no timescales have been proposed, nor details of additional funding to enable the effective use of any such powers. However this will require a new funding settlement to ensure that local authorities are not being set up to fail. Central government still needs to take overall responsibility for air pollution, and it should tackle this issue by fully supporting local authorities to improve the UK's air quality as soon as possible whilst recognising that intervention at a national level, as well as a local level, is key to reducing exposure to any pollutant. We will set out our recommendations in more detail later in this response.

⁵ <https://www.londoncouncils.gov.uk/our-key-themes/environment/air-quality-london/air-quality-public-polling>

⁶ <https://www.sciencedirect.com/science/article/pii/S0048969717333296?via%3Dihub>

Q4. How can we improve the way we communicate with the public about poor air quality and what people can do?

London Councils research shows that general awareness of air quality issues amongst Londoners has increased each year since 2016; with 91 per cent of all Londoners saying they felt they were aware of air quality as an issue in 2018. This is compared to 88 per cent in 2017 and 83 per cent in 2016. Linked to this is the fact that 82 per cent said they agreed tackling air quality should be a priority issue, with 45 per cent strongly agreeing. In addition to this 75 per cent of Londoners agreed that more money should be spent on tackling air pollution (up from 72 per cent in 2017). Air quality has been a political priority in London and this has increased the visibility of the issue with the public.

The government needs to make tackling air pollution a national priority. The government should develop a systematic, structured communication campaign, which has been shown to support and enhance health care improvement⁷. Research by the Health Foundation⁸, highlights the following communications approaches as important in the spread of good practice in health care improvement:

- Ensure that you target a range of people when trying to implement change and spread improvement work. Include both clinical and managerial leaders.
- Involve the people you want to engage with as a priority early on in the project's development. In this way you can listen to their needs and they can help shape development and outcomes.
- Create different messages to appeal to different audiences. Pay particular attention to communicating how your project can address other people's priorities.
- Think about how you are going to communicate and spread the learning about your project from its outset. This includes setting aside time and funds for your project's dissemination (informing others of its purpose and learning).
- When communicating with and engaging your audiences, make use of a wide range of communications approaches, such as social media, opinion leaders and professional networks.
- Recruit 'change champions' – those people with central or trusted positions within organisations. Evidence suggests that change champions or opinion leaders can influence uptake, especially among clinicians.
- Communicate within networks as well as to individuals. Peer involvement can be more influential in securing interest or behaviour change than the simple dissemination of information. For this reason, communications within professional networks can be effective in promoting the uptake of good practice.

Any communications campaign should also inform the public about how to reduce their own contribution to air pollution as well as reduce their exposure. This will help to drive behaviour change. London Councils research shows that air pollution is more likely to influence the behaviour of those who say they are aware of air quality as an issue, with 51 per cent of Londoners saying they would be willing to walk and/or cycle more to reduce air pollution⁹.

Chapter 3 – Protecting the environment

Q5. What do you think of the actions put forward in the environment chapter? Please provide evidence in support of your answer if possible.

London Councils supports efforts to limit the negative impact air pollution can have on the natural environment.

⁷ <https://www.health.org.uk/commskit/evidence>

⁸ De Silva D. Spreading improvement ideas: Tips from empirical research. The Health Foundation, 2014.

⁹ <https://www.londoncouncils.gov.uk/our-key-themes/environment/air-quality-london/air-quality-public-polling>

In response to the proposal of monitoring habitats, we urge that a wide range of habitats and sufficient duplicate habitat types are monitored to provide meaningful data. Another piece of work that is required is the identification of thresholds of criteria that indicate detrimental change in habitats that can be relatively easily identified in the field. When any one threshold is reached any additional planning applications would have to demonstrate a zero impact on the site. The criteria should not try to ascribe the effects to one particular pollutant, but to take the change itself as sufficient evidence that environmental factors are driving this change, even if it is likely to be climate change, to which pollution is a contributor. Therefore, it is critical that the habitat monitoring data is shared with Natural England regional officers dealing with planning.

Habitat monitoring is already carried out for Sites of Special Scientific Interest. This data should be easily available to local authority planning officers especially in a mapped format so that the information is used in regional planning and development decision making. It would also be useful to encourage councils to incorporate favourable condition monitoring into natural capital and natural asset mapping.

The two actions in this section of the report are 'monitor' and 'assess how local authorities can mitigate the impact of air pollution', but the prevention of pollutants being created in the first place should be a key concern of national and local government. This will require additional funding for local authorities, particularly around LAs ability to enforce regulation.

Chapter 4 - Securing clean growth and driving innovation

Q.7. What do you think of the package of actions put forward in the clean growth and innovation chapter? Please provide evidence in support of your answer if possible.

Recognising the need for new technology and innovation is important. However, supporting existing clean technologies has been lacking and inconsistent in the past. Other than referring to electric vehicles, energy efficient products, and abatement technologies, little detail is provided on these current technologies and the support and promotion mechanisms to be used. The focus of this section appears to be on securing future improvements with insufficient emphasis on dealing with existing problems such as energy and heat generation using Combined Heat and Power (CHP) plant and biomass in urban areas, especially in light of the high proportion of PM_{2.5} attributed, in part, to wood burning. Non-combustion technologies should be promoted (e.g. heat pumps, photovoltaic and solar panels and fuel cells). Increasingly, the development of effective mitigation technologies will also be important the longer the UK is unable to reach its air quality targets. In relation to transport, the Department for Transport's (DfT) recently published Road to Zero strategy includes a welcome focus on putting the UK at the forefront of the design and manufacturing of zero emission vehicles.

Better links to the Clean Growth Strategy is important and, although the section recognises some of the conflicts created in the past, the issue is insufficiently addressed. Measures such as those previously cited to reduce carbon have set back air quality improvements and in localised areas have made air quality worse. For example, the strategy only now proposes to consult on the exclusion of biomass from the Renewable Heat Incentive in urban areas that are on the gas grid (with the focus appearing to relate to particle pollution only and not NOx emissions too).

The strategy does, however, also propose a cross-departmental review into the role of biomass in future policy for low carbon electricity and heat, focusing on the air quality impacts which is welcomed. This review alongside an approach where both carbon and air pollutant emission reduction are considered together is a positive move.

The strategy does not refer to the air quality impacts of past policies that encouraged CHP plant and electricity generation in urban areas. Nor does it consider the impact of the continuing growth of this sector, or the use of emergency diesel generators for electricity generation. Further innovation is

required across a spectrum of heat and energy provision, especially to discourage the use of diesel and oil fuels in this way. Consideration should be given to ensuring future contracts for Short Term Operating Reserve (STOR) are not let to generators where short term NO₂ levels are likely to be exceeded (or there is a significant impact on annual averages)

London Councils support the government promises to review whether the existing fuel duty rates for alternatives to petrol and diesel are appropriate and acknowledges the call for evidence on non-road mobile machinery usage particularly on the use of red diesel and the update of cleaner technologies.

Q8. In what areas of the air quality industry is there potential for UK leadership?

The transport industry is the key industry where the UK could provide significant leadership. The recently published Road to Zero Strategy includes some promising focus on the development of future technologies and goes some way to correcting the disappointing 'UK plan for tackling roadside nitrogen dioxide concentrations'. The UK has the opportunity to lead on sustainable technologies, such as electric and hydrogen vehicles. However, there appears to be a fragmented approach to the application of these strategies, seen with the 'UK plan for tackling roadside nitrogen dioxide concentrations' placing responsibility onto local authorities, and other documents looking at other sectors and pollutants.

The package of proposals refers to various programmes without adequately prioritising and with a degree of hope on reducing emissions through technological advancement. London Councils recognises that technology has a part to play in improving air quality, but this should be combined with active efforts to increase walking, cycling and the use of public transport.

The significance of traffic related emissions is such that actions should include measures including, but not limited to, improvements in national internet infrastructure, to facilitate remote working and reduce the need for work related travel. There should be a mechanism by which existing energy centres can be required to upgrade their abatement technology where this is practically and economically feasible in line with the best available techniques not entailing excessive costs' (BATNEEC) principle.

The Government could support the development of low cost multi pollutant measurement instruments and related software, improving the data that is available.

Q9. In your view, what are the barriers to the take-up of existing technologies which can help tackle air pollution? How can these barriers be overcome?

One of the most effective ways of reducing air pollution in the UK is to get more people choosing to walk and cycle instead of using a car and therefore the provision of cycling and walking infrastructure is important. Research from the sustainable transport charity Sustrans highlights the importance of political leadership to achieve this, and points to a number of barriers including the framing of acceptable solutions, funding, the dominance of the car and lack of community engagement¹⁰. Related to this, we welcome the Government's commitment for the central government car fleet to be ultra low emission by 2030 made in the recently published 'Road to Zero' Strategy but feel that there should also be a timeline for the government fleet of vehicles to become zero emission at tailpipe. The Government should also focus on updating the heating of government buildings, which would reduce the pollution from boilers. The refurbishment of the parliament buildings is an opportune moment to take this sort of action. With 8% of NO_x emissions from non-domestic gas in London¹¹, Parliament could become a clean air exemplar.

¹⁰ https://www.sustrans.org.uk/sites/default/files/file_content_type/actively_improving_air_quality_sustrans_roundtable_report_spring2018.pdf

¹¹ [London Atmospheric Emissions Inventory](#)

Additional costs can be a barrier to the take-up of existing technologies to tackle air pollution, such as the currently high cost of an electric vehicle compared to traditional Internal Combustion Engine (ICE) vehicles. Uncertainty around the performance of these technologies and availability of alternative fuel sources could also be a barrier.

National planning guidance is required which promotes non-combustion technologies in new development as this is not included in the current National Planning Policy Framework (NPPF). Demonstration projects to show how such technology works should be promoted and more incentives provided for take up.

Q10. In your view, are the priorities identified for innovation funding the right ones?

We broadly support the areas identified as priorities for innovation funding. However, we would argue that there should be some funding for encouraging more people away from private vehicles altogether and more support for new approaches to congestion reduction, whether it is developing Mobility as a Service (MaaS) systems, or road user pricing approaches.

There also needs to be a focus on the use of back-up generators (either small or medium size combustion plants). Many urban areas will have increasing number of back-up generators, especially for data centres etc. We lay out our proposals for new powers in this area later in the document (Chapter 9).

Chapter 5 – Action to reduce emissions from transport

Q11. What do you think of the package of actions put forward in the transport chapter? Please provide evidence in support of your answer if possible.

As has been stated above, in regards to road transport, this strategy does not go far enough. In London, around half of all NO_x and PM comes from road transport¹². Whilst zero emission vehicles will have a large positive impact on NO_x, PM and CO₂ emissions from tailpipe, they will not have as much of an impact on PM, via break and tyre wear, as well as from the resuspension of existing emissions. Therefore investment in ‘technological fixes’ should not be to the detriment of other measures such as modal shift to walking, cycling and public transport, which bring with them many additional benefits¹³. London Councils has previously called on the Government to introduce a diesel scrappage scheme, with the funds being used to support the purchase of cleaner vehicles, or to provide some form of mobility credit which the public could use on public transport or cycling costs.

As well as maritime shipping we believe there should be information and actions related to emissions from canals or river. The UK has over 4,000 miles of inland waterways and many of these are used for residential, commercial and leisure purposes. There is a growing movement to transport construction materials on waterways instead of roads, the London Port authority, for example, are working on this. Reducing the emission caused by vehicles on waterways is important, especially in areas where they are close to or in centres of population. One example of an area that needs attention is that canals are not affected by the current Clean Air Act (1993) which means many canal users are able to burn wood and solid fuels in air quality management areas and smoke control zones. As well as this, canal boats are also not affected by vehicle idling legislation so often canal boats will run or idle their engine to generate electrical power.

Q12. Do you feel that the approaches proposed for reducing emissions from Non- Road Mobile Machinery are appropriate or not? Why?

¹² Proposals to strengthen LEZ and Expand ULEZ – Supporting Information Document (Nov 2017)

¹³ https://www.sustrans.org.uk/sites/default/files/file_content_type/actively_improving_air_quality_sustrans_roundtable_report_spring2018.pdf

The proposals in this area are welcomed in principle, especially the proposal to provide local authorities with more powers to impose minimum emission standards and the need for compliance checks. However this will only be effective if the government provides local authorities with the necessary funding to be able to carry out these functions. If the government is serious about this, it needs to support local authorities fully for such measures to be effective.

This section does not provide enough detail in relation to the improvement of public transport in the UK. An improved public transport network could encourage more people away from private vehicles use, and therefore the very small focus on this and active travel in this document is disappointing.

London already has a low emission zone (LEZ) for non-road mobile machinery, which comprises of two zones – Greater London, and the Central Activity Zone (CAZ) which has more stringent emission limits. London's boroughs would welcome the powers to enforce minimum emission standards. Current enforcement can only be carried out via the use of planning conditions. There is currently no method of enforcing the LEZ standards on sites operating non-compliant vehicles if a planning condition has not been added to any consent. In addition to this planning enforcement powers are cumbersome and take a long time to come into effect. This would mean that by the time an Enforcement Notice would be in place it is possible that the development could be largely complete. Any powers provided for enforcement must not be cumbersome otherwise they would be rendered ineffective and take-up valuable officer time.

Chapter 6 – Actions to reduce emissions at home

Q13. What do you think of the package of actions put forward to reduce the impact of domestic combustion? Please provide evidence in support of your answer if possible.

London Councils is broadly supportive of the proposals made in this section, although the detail around the additional enforcement powers to be provided to local authorities is crucial. We would be very happy to feed into this with more details. The strategy does not currently focus on the role of traditional gas boilers in creating air pollution. Domestic and commercial boilers account for a significant portion of London's NO₂ and PM. Local authorities have been addressing this issue through engagement with business and industry to raise awareness of energy efficiency practices and technologies, as well as providing home visits and energy efficiency measures to residents. London's boroughs also prioritise the improvement in performance of their own building stock through the installation of energy efficiency measures like insulation and modern, clean heating systems. The government needs to do more to require industry to develop cleaner and more efficient boilers for domestic and non-domestic properties. But more importantly, the government needs to set out a long-term strategy for reducing emissions from the heat sector. This is still an area that the government has failed to act on. Any new strategy would need to integrate air quality and climate change goals to ensure issues seen with Biomass are not repeated.

Boroughs are responsible for the setting and enforcement of planning requirements for new developments, and this can ensure that construction sites take action to mitigate their air quality impacts, and ensure that the buildings themselves will not worsen air quality once built through best practice guidance and supplementary planning guidance. However, given reactions to local authority funding, it is becoming harder for boroughs to carry out effective enforcement of these policies.

The comment stating that the level of some indoor air pollutants is often far higher than outdoors, without any explanation or qualification, is misleading and a gross generalisation. Indoor air quality is dependent on a number of different factors, such as the indoor (and outdoor) sources of pollution (e.g. the combustion appliances, cleaning products, new furnishings present, and the type of ventilation present in the property). Indoor air quality is dependent on the specific circumstances in each location. Therefore, ensuring appropriate and accurate information is provided is critically important.

Q14. Which of the following measures to provide information on a product's non-methane volatile organic compound content would you find most helpful for informing your choice of household and personal care products, and please would you briefly explain your answer?

A B C labelling should be coupled with a 'poster campaign' targeting locations with a "captive audience" (e.g. stations and bus stops) as this can be an effective means of transferring information¹⁴.

Q15. What further actions do you think can be taken to reduce human exposure from indoor air pollution?

Information provision is crucial to enable the public to recognise possible causes of poor indoor air quality and identify potential solutions, such as improving inadequate ventilation, or limiting their exposure to an old boiler etc. As part of any government information campaign regarding air quality, the effect of domestic indoor pollution should be highlighted.

Chapter 8 – Action to reduce emissions from industry

Q19. What do you think of the package of actions put forward in the industry chapter? Please provide evidence in support of your answer if possible.

This chapter draws on the existing regime to control emissions from industry and we cannot see anything particularly new proposed in the strategy.

Q20. We have committed to applying Best Available Techniques to drive continuous improvement in reducing emissions from industrial sites. What other actions would be effective in promoting industrial emission reductions?

Best available techniques have formed part of the pollution control regime for some time and although the government's commitment to this is welcome, it is already embedded in Local Air Pollution Prevention and Control (LAPPC) and IPPC. Industrial emissions for regulated processes can be reduced through effective regulation and for this the government must commit to adequately fund both the Environment Agency and local authorities to be able to provide the officers required to continue to comprehensively regulate industry. The Government should also investigate the potential for tax breaks and other fiscal incentives to move to different (lower emission) manufacturing techniques should these become available. A model for this could be the Enhanced Capital Allowance scheme for energy-saving technologies. A similar scheme to help businesses move to lower polluting equipment and technologies should be investigated.

Q21. Is there scope to strengthen the current regulatory framework in a proportionate manner for smaller industrial sites to further reduce emissions? If so, how?

Continuous improvement should be sought by supporting and encouraging innovation in smaller industries and plants that help to reduce emissions.

Q22. What further action, if any, should Government take to tackle emissions from medium combustion plants and generators? Please provide evidence in support of your suggestions where possible.

The EU has developed the "Medium Combustion Plant Directive" (MCPD), to remove the loophole whereby combustion plants below the control limits were being installed in large numbers. The Directive introduces mandatory registration or permitting of Medium Combustion Plants between one and 50 Megawatt Thermal (MWt) and must be transposed into UK law by 19 December 2017. The UK

¹⁴ <https://onlinelibrary.wiley.com/doi/pdf/10.1111/hir.12015>

complied with this through an amendment to the Environmental Permitting (England and Wales) Regulations 2016. The UK Government consulted on the proposed approach to implementation and looked at the possibility of local authorities being given the responsibility for permitting and monitoring but has since given the responsibility for this to the Environment Agency.

The Directive states that the controls will apply to new plants from December 2018. Existing plants must comply with requirements from 2024 or 2029, depending largely on size, with full implementation achieved in 2030. It is estimated that the MCPD will affect over 30,000 plants in England and Wales. However, it remains to be seen how generators will be dealt with under this regime as they only operate intermittently so may not be picked up by the legislation. The government should not allow loopholes to be exploited. This could be done by providing local authorities with the enforcement powers and support necessary to tackle this. All new plants should be required to meet a specified emission limit with a certificate of compliance from the local authority.

Q23. How should we tackle emissions from combustion plants in the 500kW-1MW thermal input range? Please provide evidence you might have to support your proposals if possible.

The usual approach to controlling combustion plant is through environmental permitting. However, the current legislation gives rise to a loophole where generators are only in use intermittently, which should be closed.

Q24. Do you agree or disagree with the proposal to exempt generators used for research and development from emission controls? Please provide evidence where possible.

The provision of an exemption for generators used for research and development will depend on the scale of use of generators for such purposes. The definition of research and development will need close consideration so that industry does not use generators for energy purposes under the guise of research and development.

Chapter 9 – Leadership at all levels

Q25. What do you think of the package of actions put forward in the leadership chapter? Please provide evidence in support of your answer if possible.

London Councils strongly supports the proposal for new legal powers for local authorities for improving air quality. We have been asking for this for some time. The proposal should include timescales and an offer of financial support to deliver the additional work. We also welcome a single designation for Air Quality Management Areas, Clean Air Zones, Smoke Control Areas to improve clarity and simplify the messaging. London Councils believes that the EU Withdrawal Bill (and subsequent relevant legislation) should maintain current air quality standards at the very minimum, and set stricter limits if possible. For the UK government to secure a green Brexit, the independent environmental watchdog currently being consulted on, should be given the power to hold government to account, and should include air quality within its remit. It is also important that any potential fines for air quality breaches now and in the future are not passed onto local authorities.

London needs to be able to access the £220m Clean Air Fund announced earlier this year. The Government stated that the Clean Air Fund is “a funding pot which local authorities with the most challenging pollution problems can bid into”. London undoubtedly falls into this category. London faces some of the highest levels of dangerous NO₂ in the country, and a great many areas continue to exceed both the annual mean and hourly legal limits for NO₂. This is likely to continue beyond 2020 unless more action is taken.

London’s local authorities have been doing excellent work in tackling air pollution for years, and they are doing all they can against a backdrop of increasingly acute funding pressures. The past 7 years

have seen unprecedented funding reductions to the sector with core funding from government falling by 50 per cent in real terms: a trend that will continue with a further 26 per cent reduction over the next three years. London's population is growing twice as fast as that of the rest of the country. The twin pressures of reductions to funding and the challenge of meeting rising demand for services will become far harder for London local government to address, as the "easier" efficiencies become exhausted. Air pollution is a national health crisis, and London faces some of the most daunting challenges to get pollution levels down. London needs additional funding and support to achieve the dramatic improvement in air quality that the city needs and the boroughs are central to the delivery of this.

Q26. Do you feel that the England-wide legislative package set out in 9.2.2 is appropriate? Why/why not?

London Councils are broadly supportive of the proposals made in this section as a more coherent legislative framework is essential to bring about improvements in emissions. Appropriate resources must also be provided to local authorities and other regulatory bodies to ensure these powers can be adopted.

Compelling manufacturers to recall vehicles and machinery for failures in their emission control system is welcome, as is making tampering with an emission control system a legal offence.

Despite some positive proposals, we believe that the Government should go further and consider a number of additions:

- The Government should pursue the vehicle manufacturers to compensate the British public following the emissions scandal, as has been seen in the USA and in other European countries, such as Germany. This funding could then be put back into a new Clean Air Fund for all local authorities to access, or could help to fund some form of diesel scrappage scheme.
- Proposals for biomass installations are to consider tighter emission standards. However, the use of wood for generating electricity and heat should be discouraged due to its contribution to national emissions of particulate matter. Applying tighter emission standards for biomass plant, along with regulation of combustion plant between 500KW – 1MWth, and improved emission standards for diesel powered NRMM, are essential.
- There should be additional specific offences on the sale, advertising for sale, supply, fitting and operation of 'defeat devices' that disable Selective Catalyst Reduction (SCR) systems fitted to Euro 6 HGV diesel exhausts, effectively reducing them to Euro 3. These are often sold as 'Adblue emulators'. Defeat devices are widely, cheaply, and also at present, lawfully available from commercial suppliers. Such offences should be in addition to those available to VOSA in relation to drivers and operators of vehicles fitted with defeat devices.
- Updating the existing Clean Air Act and providing local authorities with the option to issue fixed penalty notices to residents and businesses who breach smoke control area (or new proposed designated area) requirements would be an effective method of enforcing the legislation without the need to take every breach of legislation to court, thereby reducing the time for enforcement on local authorities and freeing-up valuable court time.
- There is an issue regarding smoke from bonfires. The current legislation (S2 of the Clean air Act) is fairly effective at dealing with smoke from commercial/industrial bonfires. As a minimum a similar power ought to be retained in any new legislation which replaces the current Clean Air Act. There are considerable if local problems from domestic bonfires which are currently somewhat ineffectively controlled under the statutory nuisance provisions of the Environmental Protection Act. This issue does not seem to have been addressed in the current consultation.
- We would also suggest that the government goes further and looks not just to prohibit the sale of polluting fuels and inefficient stoves but to encourage a move away from their use altogether in urban areas such as Islington where gas and electric is available to everyone. This consultation, in section 6.3 'Reducing the impact of domestic burning', states that burning even

in Defra-exempt stoves produces approximately 465 times more particulate matter (PM_{2.5}) than gas heating.

Q27. Are there gaps in the powers available to local government for tackling local air problems? If so, what are they?

One area of concern is the seeming sole reliance on local government to tackle nitrogen dioxide from roads as a local issue. London Councils believes that this also needs to be dealt with nationally. The new 'Road to Zero' Strategy to reduce emissions from road transport is a step in the right direction, but should be much stronger on reducing the amount of travel taking place in private cars per se, as well as reducing the emissions of cars. The strategy accepts that demand for liquid state fuels will remain high for the next few decades, but London Councils re-iterates its call for the Government to bring the date of which it intends to end the sale of petrol and diesel vehicles forward from 2040. We welcome plans to continue to provide grants to encourage the uptake of ultra low emission vehicles through fiscal incentives and also by installing more charging infrastructure for electric and hydrogen vehicles. However, these actions are long-term and measures such as Clean Air Zones will only have minimal impact or move the problem elsewhere. The UK, and London in particular, needs to remove the most polluting vehicles off the road now to reduce the exposure of the public to dangerous levels of air pollution.

There is no power for Local Authorities to prevent the sale of non-smokeless fuels in Smoke Control Areas. In Air Quality Management Areas (AQMA), local authorities should be able to impose further restrictions on commercial solid fuel appliances (e.g. biomass boilers, wood fired catering ovens) as an extension to the Part II B permitting system.

Q28. What are the benefits of making changes to the balance of responsibility for clean local air between lower and upper tier authorities? What are the risks?

It is imperative for all levels of government to work together to tackle poor air quality. Air pollution does not respect administrative boundaries, and there are many things that local authorities do not have the power to control, as have been highlighted in this response.

Q29. What improvements should be made to the Local Air Quality Management (LAQM) system? How can we minimise the bureaucracy and reporting burdens associated with LAQM?

The London boroughs are within the London Local Air Quality Management System (LLAQMS) which is overseen by the Mayor of London. The Mayor of London consults with London Boroughs and the City of London over any changes.

Chapter 10 – Progress towards our clean air goals

Q32. If you have any further comments not covered elsewhere, please provide them here.

The strategy would benefit from proposals to develop and promote non-combustion alternatives for heat and electricity generation. It would also benefit from considering the air quality impacts of encouraging CHP in urban areas and the use of emergency diesel generators for electricity generation more widely.

Behaviour change from the public and businesses will be an important factor in the UK achieving cleaner air. The Government should review existing financial and non-financial incentives to improve air quality, and introduce new incentives where necessary to encourage better practices and help people to reduce their own contribution to air pollution.