

<b>Item No.</b>	<b>Classification:</b> Open	<b>Date:</b> 2 November 2015	<b>Meeting Name:</b> Cabinet Member for Public Health, Parks and Leisure
<b>Report title:</b>		Government's Draft Air Quality Plans – Tackling Nitrogen Dioxide in our Towns and Cities	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Strategic Director of Environment and Leisure	

## RECOMMENDATION

1. That the Cabinet Member for Public Health, Parks and Leisure endorse the proposed draft response to the Department for Environment, Food & Rural Affairs' (Defra) consultation on the Draft (National) Air Quality Action Plan intended for submission to the EU as demonstration of the UK's intention to meet the annual and hourly EU limits values for Nitrogen Dioxide (NO<sub>2</sub>), in the shortest possible time.

## BACKGROUND INFORMATION

2. The EU Ambient Air Quality Directive (2008/50/EC) set limits on key air pollutants, including NO<sub>2</sub>. Two limits values for the protection of human health apply:
  - (i) An annual mean - concentration levels of NO<sub>2</sub> to not exceed 40µg.m<sup>-3</sup>; and
  - (ii) An hourly mean - concentration levels of NO<sub>2</sub> to not exceed 200µg.m<sup>-3</sup> more than 18 times a calendar year.
3. The Member States were required to meet the limits by 1 January 2010, except where an extension is granted (for up to 5 years to 1 January 2015).
4. The UK is divided into 43 zones and agglomerations for air quality monitoring and reporting purposes. The national assessment in 2013 found that 38 out of the 43 UK zones were non-compliant with the maximum annual limit and 1 zone was non-compliant with the hourly limit. The reason for non-compliance is mainly due to road transport, but the effects of urban and regional background non-transport sources are still considerable.
5. The UK is not only the EU Member State which reported exceedences of the limits in 2013. Sixteen other Member States reported exceedences of the annual mean limit value, with 3 other Member States reported exceedences of the hourly mean limit values.
6. As a result of this, the European Commission has started formal infraction proceedings against six Member States (including the UK) for not achieving NO<sub>2</sub> limit values.

7. Client Earth, an environmental law company, has taken a legal case against the UK Government for non-compliance with the Air Quality Directive. The case has been heard in several English and European Courts. The latest was in the UK Supreme Court, which ordered the UK government to produce an updated air quality action plan and submit it to the European Commission by the 31 December 2015.
8. Defra is currently consulting on a draft air quality action plan. The draft proposals contained within intend to fulfil the UK Government's legal undertaking to provide revised plans to the EU Commission and satisfy the requirements of the ruling by the Supreme Court. When finalised it will set out how the UK will bring the UK into compliance in the shortest possible time.
9. This Authority has considered the proposals and finds them deficient in their present state. A draft response has been prepared for consideration. The draft response is provided at Appendix A to this report.

## **KEY ISSUES FOR CONSIDERATION**

### **The consultation exercise**

10. The Defra consultation was launched on 12 September 2015 and the closing date for responses is 6 November 2015.
11. The response is to be made online with regard to six specific questions raised. These are The consultation documents ask the following questions: -

**Q1.** Do you consider that the proposed plan set out in the overview document strikes the right balance between national and local roles?

**Q2.** Are you aware of any other action happening in your area which will improve air quality and should be included in the plan? If yes, please identify as far as you are able

- a) What the additional actions are,
- b) The zones(s) in which they are being taken, and
- c) What the impact of those actions might be. (quantified impacts would be particularly useful)

**Q3.** Within the zone plans there are a number of measures where we are unable to quantify the impact. They are included in the tables of measures. Do you have any evidence for the impact of these types of measures?

**Q4.** Do you agree that a consistent framework for Clean Air Zones, outlined in section 4.3.6 of the UK overview document, is necessary? If so, do you think the criteria set out are appropriate?

**Q5.** What do you consider to be the barriers that need to be overcome for local authorities to take up the measures set out in section 4 of the UK overview document? How might these be overcome? Are there alternative measures which avoid these barriers?

**Q6.** Are you aware of any additional action on non-transport sources to improve air quality that should be included in the plans?

## **The UK approach to achieve compliance**

12. The content of the consultation documents is summarized at Appendix B. The local authority responsibilities outlined within are summarized in Appendix C.
13. The modelling, supporting the draft action plan, based on the latest available data indicates that 35 out of the 43 zones are expected to be compliant with legal limits for NO<sub>2</sub> by 2020. It is not anticipated that London will be compliant until 2025.
14. The document states that 80% of NO<sub>x</sub> in the exceedence areas is due to transportation sources. It states that addressing transport presents a significant opportunity to improve air quality and that an integrated approach should be taken recognising the economic impact and value of the measures chosen. It indicates that the Government can deliver broader benefits alongside air quality, including reducing CO<sub>2</sub> emissions, reducing congestion and increasing productivity. The Government consider that local authorities have a central role in achieving improvements in air quality.

## **Concerns raised**

15. Having reviewed the draft action plan, it is considered that the draft UK Government Air Quality Action Plan is not fit for purpose in its present form and cannot be endorsed.
16. The principle concerns relate to
  - An over-reliance is placed upon anticipated future improvements to vehicles and vehicle emission testing and the growth of no emission (electric) vehicles, especially in the light of known problems with the 'real world' performance of Euro 6 / VI vehicles
  - A failure to take a proper strategic national view of the situation and recognize, for instance, the potential contribution that could be made by establishing additional controls exerted through the planning system or by effective national regulation of Non-Road Mobile Machinery.
  - The level of responsibility that is passed down to regional and local government without adequate resource and, particularly in the case of local government, in the light of the limited control held over the road network
  - The failure to adequately incentivize schemes that potentially contribute to NO<sub>2</sub> reduction
  - The consultation package does not include all the documents that are being submitted to the European Commission as they are presently being finalised. A technical document detailing the modelling and assessment techniques behind the plans and a complete list of UK and national measures undertaken since 2008 will be finalised after the consultation, so is not available for comment.

## **Policy implications**

17. The Southwark Air Quality Improvement Strategy and Action Plan for 2012 – 2017 is shortly due for review.

18. The strategy sets out the contribution this Authority is able to make at a local level to improving local and regional air quality. However, it is necessarily reliant on the national and regional approach and looks to complement and build upon these.
19. It is therefore important that the national policy sets a strong lead. Particularly in the light of the EU infraction process against the UK government and the potential for infraction charges to be passed down to a regional and local level.

### **Community impact statement**

20. The impact on health and the environment from NO<sub>2</sub> has strengthened substantially in recent years. As noted by the Committee on the Medical Effects of Air Pollutants (COMEAP) in March 2015. It is estimated that the effects of NO<sub>2</sub> on mortality are equivalent to 23,500 deaths annually in the UK. The figure for exposure of PM<sub>2.5</sub> is 29,000 deaths. As both pollutants are from the same sources, it is difficult to ascertain the combined effect, as some double counting may occur.
21. High levels of air pollution have a negative impact on human health and the natural environment. The government estimates that poor air quality costs the UK economy between £9-19 billion and reduces life expectancy by an average of 6 months. Particularly at risk are those who are exposed to high levels of air pollution, are in poor respiratory health, elderly or very young.
22. This Authority is committed to actively improving local air quality and promoting behaviour that reduces exposure to poor air quality through the partnership working asset out within the Southwark Air Quality Improvement Strategy and Action Plan.

### **Resource implications**

23. There are no specific resource implications arising directly from this report.

### **Consultation**

24. No consultation with other agencies has taken place in the compilation of this report.

## **SUPPLEMENTARY ADVICE FROM OTHER OFFICERS**

### **Director of Law and Democracy**

25. The Cabinet member for Public Health, Parks and Leisure is being asked to endorse the proposed draft response to the Department for Environment, Food & Rural Affairs' (Defra) consultation on the Draft (National) Air Quality Action Plan.
26. Under Part 3D, paragraph 16 of the Southwark Constitution the approval of responses to consultation documents from government relating to significant changes affecting their portfolio area is reserved to the Individual Member for decision making provided they do not require any changes to the budget and policy framework. The Cabinet Member for Public Health, Parks and Leisure therefore has the authority to agree the recommendation.

## Strategic Director of Finance and Governance

27. No concurrent report has been sought in this case as there are no direct resource implications arising from this report.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Defra Consultation Papers	Environment & Leisure Department, Regulatory Services Division, Licensing & Environmental Protection Unit, 160 Tooley Street, London, SE1	Name: Mrs Kirty Read Phone number: 020 7525 5748
Link: <a href="#">Draft Air Quality Plans</a>		
Southwark Air Quality Improvement Strategy and Action Plan 2012-17	Environment & Leisure Department, Regulatory Services Division, Licensing & Environmental Protection Unit, 160 Tooley Street, London, SE1	Name: Mrs Kirty Read Phone number: 020 7525 5748
Link: <a href="#">Air Quality Strategy and Action Plan</a>		

### APPENDICES

No.	Title
Appendix A	Draft response to the consultation questions
Appendix B	Summary of the consultation document
Appendix C	Summary of the local authority responsibilities outlined in the consultation

## AUDIT TRAIL

<b>Lead Officer</b>	Strategic Director of Environment & Leisure	
<b>Report Author</b>	Richard Parkins, Licensing & Environmental Protection Unit Manager	
<b>Version</b>	Final	
<b>Dated</b>	2 November 2015	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments Sought</b>	<b>Comments Included</b>
Director of Law and Democracy	Yes	Yes
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	Yes	Yes
<b>Date final report sent to Constitutional Team</b>	2 November 2015	