



Consultation on the Governments Draft revised UK Air Quality Plan for tackling nitrogen dioxide –

a collective response from LONDON ENVIRONMENTAL HEALTH

About ALEHM - London's Environmental Health services play a significant role in protecting the health of and shaping the lives of the communities they serve. The services encompass health and safety, food safety, communicable disease, pest control, private housing, licensing, pollution control, noise, nuisance and emergency planning to 8.6 million people residents, 18.6 million international tourists, 12.9 million UK tourists, countless people that travel to London to work and 841,000 businesses.

In respect of this consultation since the 1950's throughout the UK, Environmental Health services have been at the forefront within Local Authorities in delivering the major provisions of the Clean Air Acts, maintaining air quality monitoring capability and regulating fixed premises and sources to achieve air quality standards.

We recognise that nitrogen dioxide is a major pollutant, endangers health and in London and other Urban and Rural areas throughout the Country the emission of nitrogen dioxide breach EU standards, while there are emissions from fixed sources that require action, the majority of the emissions are from mobile sources principally road vehicles. With our aging population, people living longer but living with complex health needs, compliance with air quality targets by 2030 will increasingly affect vulnerable people. Poor air quality impacts premature mortality, vulnerable cohorts are at greater risk and the main issue is around quality of life.

All London's 33 environmental health services maintain membership of the Association of London Environmental Health Managers (ALEHM) whose aim is to:

- co-ordinate and represent environmental health services;
- deliver coordinated projects;
- build practitioner competency; and
- advise on policy and strategy.

At a meeting of ALEHM held on the 23rd May 2017 at offices in the City of London, members heard speakers from Client Earth, LB Southwark, London Councils, British Lung Foundation, Kings Collage London and the GLA. A discussion on the consultation was held by the Environmental Health service managers and technical leads of the following member authorities:

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Barnet, Barking and Dagenham, Bexley, Brent, Bromley, City of London, Croydon, Greenwich (Royal), Haringey, Havering, Islington, Kingston-upon-Thames (Royal), Lewisham, Newham, Redbridge, Southwark, Tower Hamlets, Waltham Forest, Westminster.

ALEHM is a registered Charity and not a political body. The views expressed by ALEHM are based on expert views of service heads and technical leads and do not bind the member authorities, who may provide an individual response to the consultation, but the views of ALEHM can be relied upon to represent balanced and objective comment on the proposals.

The format of our response below follows the electronic consultation form;

1. *What is your name?*

Janine Avery

2. *What is your email address?*

Secretary@alehm.org.uk

3. *Are you responding as an individual or an organisation?*

Organisation

4. *If you are responding as an organisation please provide the name and nature of your organisation.*

The Association of London Environmental Health Managers (ALEHM)

Other type of organisation –

Registered Charity representing the non-political technical and operational delivery views of the 33 London Boroughs which make up the membership. Please see above for a brief description of ALEHM and refer to our website www.Alehm.org.uk

5. *Which region are you based in?*

England (London)

6. *Would you like your response to be confidential?*

No

7. *How satisfied are you that the proposed measures set out in this consultation will address the problem of nitrogen dioxide as quickly as possible?*

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Very dissatisfied

Comments - Legal responsibility for compliance is for national government and not local authorities and the plan shows the Government is placing that responsibility entirely on LAs.

The published plan, is not an action plan, as it is not a list of actions. It appears the government has thrown together the whole range of technical and scientific reports available to illustrate it has been doing something in the hope that someone will attempt to make sense of it and bring it together into some coherent strategy. That is not the job of civil society.

Publication of the consultation in its current form is a gross abrogation of responsibility and an indication that despite the previous Courts instruction, irrespective of the calling of a General election the Government has made precious little progress in formulating an effective plan to protect the health and lives of the thousands of people adversely affected by poor air quality. The proposed approach indicates no change in policy which the Courts found unsatisfactory before and it remains unsatisfactory now.

There is nothing new in the consultation to help the country move to compliance faster. So, this plan fails like the first one. To reach compliance in the quickest time possible was the court judgement, so the Government needs to produce a case and the resources for change. We cannot afford the time in terms of public health deficit to await the technological changes to motor vehicles that will take significant time to take effect. Apparent ignorance by Government of the effort required before charging policies can be introduced is inexcusable and cynically some could suggest it is an attempt to obstruct and delay progress to achieving workable solutions.

We need a holistic and joined up package of actions and policies in, taxation, transportation, energy and infrastructure development to bring air quality down to satisfactory and legally defined standards, rather than placing reliance on individual policies, individual local authorities and time wasting bureaucratic actions.

The Court said that bringing levels down was so important that Government should disregard expense. Don't waste money but if levels are achievable the fact it is expensive should not be the issue. Use the best practical environmental option, if it works. There needs to be money invested to achieve results in the shortest possible time. The government continues to use the argument of too expensive, several times. They require evidence of a cost benefit analysis and these are few so gives LAs little room to act effectively.

There appears to be no leadership from the government and it is not being strategic enough. The challenge for the new Government and its new secretary of State Michael Gove is to produce a workable and achievable plan. After all the delays and time already spent, LAs had expected something more formed. There are no details of how the Clean Air Acts would be revised. LAs expect a list of breaches or a clear set of actions and how to deal and apply them. The government has not accepted that they need to produce a sound central policy along with a basket of measures, to be applied in the right place at the right time to have maximum benefit.

The proposals in the consultation will not achieve compliance in the minimal time and this consultation is extremely unsatisfactory and poor.

8. What do you consider to be the most appropriate way for local authorities in England to determine the arrangements for a Clean Air Zone, and the measures that should apply within it? What factors should local authorities consider when assessing impacts on businesses?

In London, we have this already, and it works, and we have evidence which shows it works, so these can be determined much more simply, by using evidence in London, avoiding unnecessary additional consultation. ALEHM endorses the comments made separately by the City of London Corporation in respect of examples that they have successfully implemented.

There needs to be a mechanism so LAs can present their own evidence to determine the size and magnitude of a problem and government should provide funding to support this. The accuracy of modelling for NO₂, is said to be plus or minus 30% but in some areas major highways are not included which seriously skews the data. Research funding has been allocated to the automotive industry and LAs need equivalent funding. Failure to provide funding support will prevent any new plan or initiatives from achieving their goals.

London has evidence to show which processes work, without additional evidence being required. These measures should be able to be rolled out without a full cost benefit analysis. If proposals are unusual or new then a full CBA is appropriate.

Research monies would be better invested to evaluate how effective current measures have been and if using proven methods enable the introduction of a CAZ rapidly without having to justify every action.

Government appears to not want to make the unpopular decisions. It needs to accept CAZs work so the task of Government is to avoid creating obstructions. In the consultation proposals, there is insufficient consideration of the health effects and the benefits of quicker resolution for health costs.

Businesses will benefit from reduced congestion. Business impact is not something that should be considered and is not necessary to comply with the court requirements. However, as far as the effect of additional controls on business we take the view that it will have a cost positive effect in that it would reduce staff illness, especially if active transport is successful. There may be an initial impact on small businesses, but this cannot override the benefits for the majority. The best approach would be to incentivise businesses to adopt new transportation approaches for the needs of their business and customer base.

9. How can government best target any funding to support local communities to cut air pollution? What options should the Government consider further, and what criteria should it use to assess them? Are there other measures which could be implemented at a local level, represent value for money, and that could have a direct and rapid impact on air quality? Examples could include targeted investment in local infrastructure projects. How can government best target any funding to mitigate the impact of certain measures to improve air quality, on local businesses, residents and those travelling into towns and cities to work? Examples could include targeted

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scrappage schemes, for both cars and vans, as well as support for retrofitting initiatives. How could mitigation schemes be designed to maximise value for money, target support where it is most needed, reduce complexity and minimise scope for fraud?

The Government is the duty holder. These questions should have been considered as part of an overall plan. The questions should relate to how the plan will impact on local communities. It is not a local issue, and it should be a regional or national issue. If dealt with in a piecemeal way, then boroughs adjacent to those with problems but who have no political will to change, will result in patchy implementation and no overall effect. There needs to be a coherent national plan. London as a region will soon reach maximum capacity and individual borough activity will not affect pollution levels such that there will be little chance of making a difference without a national strategy in place and the current draft does not provide that.

10. How best can governments work with local communities to monitor local interventions and evaluate their impact?

The Government and the devolved administrations are committed to an evidence-based approach to policy delivery and will closely monitor the implementation of the plan and evaluate the progress on delivering its objective

The consultation focuses on local authority evidence, but what is a local community? It could be a business, district or retail street. There needs to be a collection of the evidence of interventions that work, the effect of activity and the health benefits. The framework will need to provide a variety of models in each area. This will need financial support and the consultation does not even explore how this could be achieved.

11. Which vehicles should be prioritised for government-funded retrofit schemes?

We welcome views from stakeholders as to how a future scheme could support new technologies and innovative solutions for other vehicle types, and would welcome evidence from stakeholders on emerging technologies. We currently anticipate that this funding could support modifications to buses, coaches, HGVs, vans and black cabs

We support the introduction of a National Diesel scrappage scheme as opposed to the potential post code lottery of local schemes.

Prioritising support for public vehicle/transport usage and incentives to retro fit, encouraging the public to use public transport as first choice would be a major step forward in any plan going forward. AS an example of the need for joined up thinking in Government It should be noted that the liberalization of the postal service and use of internet shopping has increased the use of “white van” deliveries in Urban and rural areas adding to the air quality burden of many areas.

12. What type of environmental and other information should be made available to help consumers choose which cars to buy?

The science tells us that petrol fuelled cars produce less NOx than diesel cars. Diesel vehicles produce seven times more NOx than in tests, some fourteen times more, and a few perform similarly to lab tests on the road, but there must be better information on the real-world emissions which can be used to influence the market at point of sale. It should be mandatory for motor businesses to participate in an accurate emission information scheme for consumers, a voluntary scheme will not produce the fastest results. This should not just apply to new vehicles but to the extensive second-hand market as well.

Real world emission test figures are required with comparative data to enable decisions on what to buy and comparative costs. Buyer information along with fiscal measures to purchase lower emitting products would need to be mandatory. Public information campaigns e.g. emissions from MOT certificates to compare actual versus desired. Solutions are needed for commuters from outside London who will travel by car if they can't get a direct train line in to work.

Products can guide the market, e.g. electric vehicle can have subsidised charging facilities at home, car sharing, take speed limits down on intelligent motorways, which is possible for reducing speed round road works.

13. How could the Government further support innovative technological solutions and localised measures to improve air quality?

Give money to local authorities to do research and have a proper worked out plan in which research priorities can be outlined.

Provide support for LAs outside London to manage a CAZ. London's HGV and LGV fleet are very old because they are undertaking short runs, so limiting them to London. So, there is a need to understand local fleet operations and develop evidence for changing activity. Funding for supportive research and a framework under which clear bids can be assessed.

14. Do you have any other comments on the draft UK Air Quality Plan for tackling nitrogen dioxide?

The causes of air pollution have become very complex, historically controls focused in on point sources and solid fuel. Currently the Government is focussed on traffic and not looking at fixed sources. New York in the USA made a significant improvement in its air quality by providing fixed source control, in the UK this should be rectified in any new draft legislation or plan.

We accept that the situation is more complex, as traffic is the main source and this is an integral part of the economy and government has struggled to find strategies to make improvements. This has not been helped by the European wide diesel fuel emission scandal and the fiscal incentives government has provided to encourage the take up of diesel fuelled vehicles.

An unprecedented four parliamentary committees (we note the absence of the energy committee) have expressed their concern and are unhappy with progress to date, before the dissolution of Parliament they were working jointly to review the government's air quality plan. These committees posed 4 questions for the government.

- How effectively do Government policies take account of the health and environmental impacts of poor air quality?
- Are the Government's revised plans for tackling nitrogen dioxide levels sufficient to meet the High Court and European Commission requirements for urgent action?
- Does the revised plan set out effective and proportionate measures for reducing emissions from transport?
- Is there sufficient cross-government collaboration to ensure the right fiscal and policy incentives are adopted to ensure air quality targets are achieved?

These are important questions and the new government must address these questions as a matter of urgency.

Recently a reported Freedom of Information request identified that many local authorities did not hold a complete set of data on air quality and there were many gaps. Without adequate air quality monitoring data, it will not be possible to predict accurately if the measures are adequate. Proposed grant funding criteria require proof of a positive effect, which will be impossible to meet in the current fiscal climate.

There is general confusion about what the local authority plans will look like and how LAs will be able to make a difference with the limited resources available, frankly the current consultation causes more confusion.

In many LAs, air quality has shot up the political agenda and they are looking across a wide range of teams to help deliver change but there is not yet a lead or a cross cutting delivery group at high level who can force the priority of action in all departments. Advice and guidance on this practical application of how the government sees the management of cross cutting Air Quality issues is needed to ensure consistency of approach and proper coordination between adjacent areas and authorities.

There is a need to ensure that evidence of success from one area can be used to inform and support other areas who have less support, especially councils outside London. London is different and the knowledge gained from London's experiences can be used to support others. For example, the introduction of the 2016 GLA air quality system has allowed Southwark to coordinate its work much better and the involvement of the Health and Well Being Board has brought it to a higher priority,

Southwark are updating the AQ strategy to deliver the Air Quality Action Plan by 2022. NO₂, PM₁₀ and PM_{2.5} is trending slowly downwards and PM_{2.5} will be below legal limits by 2020, others will not.

This work is extremely important as in Southwark, 7% of adult deaths are attributed to poor air quality that is approx. 90 deaths per year.

Southwark has 1.5 staff looking at air quality, but they project that if all duties as suggested by the consultation document goes to LA they will need more staff. There will be a funding gap and this is not addressed at all in the consultation.

What Southwark are doing is keeping overall control of the management function but delivery in other areas, (including transport policy, fleet, service planning, noise, biodiversity, highways, etc.) will require increased coordination and management. Resources should be provided to ensure that this excellent work can progress and the examples of effective working made available to other authorities.

Summary and Conclusion

ALEHM considers that the consultation to address Air Quality is extremely poor, does not present a coherent set of proposals and will not address the legal requirement to produce a workable plan. We applaud Client Earth's actions in challenging the Governments lack of action.

In any future plan the following are key areas to address in no priority order:

- 1) Reduce congestion and reduce the number of buses that cannot be converted.
- 2) Provide framework principal policies to help address issues beyond transport e.g. travel actively, reduce vehicle numbers, move from car to public transport.
- 3) Understand the complexity of fleet logistics as this is very poorly understood, and fleet or van operators do not see they are part of the problem.
- 4) Incentivise the use of Euro VI buses.
- 5) There is a need to tackle congestion, as it is difficult to make changes to active transport while roads are congested, and considered dangerous. How to avoid people loading and parking outside shops causing obstructions for cyclists and pedestrians, and problems caused by the culture of 'Just in Time' deliveries for businesses and construction?
- 6) We know we will not be compliant until well after 2025, and current conditions are worse than we were for the previous plan. Improvement will require bold measures introduced nationally.
- 7) Introduce a National diesel scrappage scheme for private cars (including a mobility package so use of other travel means e.g. car clubs and other more sustainable measures are attractive.
- 8) Give businesses financial support to switch vehicles. Minibuses used by charities and voluntary groups should be assisted to minimise effects on charities.
- 9) Defra and Dept. for Transport must introduce coherent and joined up policies in respect of air quality across the country.
- 10) Cities need to implement LEZs.

- 11) Current tax arrangements encouraging diesel purchases must be corrected. Fiscal incentives have a very powerful impact across the market so there must be appropriate incentives and disincentives to switch to low emission methods of transport.
- 12) Make sure that as the UK leaves the EU that no-one tries to remove the UK from the legal rights and privileges that apply to being a member.
- 13) Central government must be held to account for the air pollution problem it is not the responsibility of local government unless appropriate resources are put in place and we do not want to weaken enforcement mechanisms to protect the public.

For further information about this response please contact Janine Avery – Secretary at ALEHM Secretary@ALEHM.ORG.UK or Graham Jukes OBE ALEHM Trustee at Grahamjukes@btinternet.com