



Chartered
Institute of
Environmental
Health

Draft Air Quality Plans

Response to Defra's consultation

6 November 2015

The Chartered Institute of Environmental Health

As a **professional body**, we set standards and accredit courses and qualifications for the education of our professional members and other environmental health practitioners.

As a **knowledge centre**, we provide information, evidence and policy advice to local and national government, environmental and public health practitioners, industry and other stakeholders. We publish books and magazines, run educational events and commission research.

As an **awarding body**, we provide qualifications, events, and trainer and candidate support materials on topics relevant to health, wellbeing and safety to develop workplace skills and best practice in volunteers, employees, business managers and business owners.

As a **campaigning organisation**, we work to push environmental health further up the public agenda and to promote improvements in environmental and public health policy.

We are a **registered charity** with over 10,500 members across England, Wales and Northern Ireland.

Any enquiries about this response should be directed in the first instance to:

Howard Price
Principal Policy Officer
Chartered Institute of Environmental Health
Chadwick Court
15 Hatfields
London
SE1 8DJ

Telephone 020 7827 5839
Email h.price@cieh.org

Response to Defra's Consultation on Draft Air Quality Plans

Question 1: Do you consider that the proposed plan set out in the overview document strikes the right balance between national and local roles?

No.

Quite apart from lacking the broader context of a revised National Air Quality Strategy from the government, the plans place disproportionate responsibility on local authorities, ie to devise, implement and maintain (and adjust) low emission zones as their main plank, moreover in a necessarily truncated timescale (*vide* the long lead-in period apparently required for the London ULEV despite the experience of TfL and for which the infrastructure is already in place). While it may be true that (para 19) local authorities have a central role in achieving improvements in local air quality, it is insufficient that central government offers little more than data support, writing only that (para 29) *'..incentives (sic) will be determined taking into account the outcome of the consultation and the current Spending Review'*, and insofar as in that respect the government's proposals are by its admission incomplete, as well as its reliance on third parties, ie local authorities, use of their discretionary powers, we have to question whether Defra's 'plan' amounts to such anyway, so as to satisfy the Commission and not be subject to further litigation (and, potentially, change).

To our mind, several elements are missing from the explanation of government's role: one is to counter the growth in road traffic generally, for example by reconsidering the financing model for expensive rail travel; cars driven between cities may not contribute much to the current crisis but they may once they arrive at a sensitive destination. Second is, in particular, to reverse the trend in the use of diesel cars, sales of which have out-paced petrol-fuelled sales for several years; diesel may make sense for high-(motorway) mileage business users but it makes no sense on the school run. This is, in particular, if NO₂ limits are, as reported, to be relaxed as more stringent testing is introduced from 2016.

Third is to ensure local authorities are adequately funded to establish and maintain Clean Air Zones which is not just a matter of infrastructure but in respect of the whole spectrum of pollutant sources requires human expertise and on-going evaluation for which modelling is not sufficient. Fourth is to restore to local authorities full control over local planning policy with its effects on air quality where repeated extensions to Permitted Development Rights in particular undermine that. Finally is the clarification of the roles and responsibilities of all the various stakeholders and the exhortation to co-operative working called-for by so many respondents to the Department's 2013 Review of Local Air Quality Management.

Question 2: 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 in the space provided as far as you are able: a. What the additional actions are; b. The zone(s) in which they are being taken; and c. What the impact of those actions might be (quantified impacts would be particularly useful). If there is more than one action please separate them with numbering.

This question is not directly applicable to us, nevertheless, we think something more might be said about the importance of public information. A number of local examples exist of information sources which aim to warn and help protect vulnerable people from the effects of pollution episodes and we suspect that complementary information could also be useful in influencing travel choices in the wider travelling population.

We would not want to see the good work undone, and it might be decided that combining the two threads may not be the best way to go, but more consistent and widespread messages from these or similarly trusted sources, supported by government, could be valuable in deterring unnecessary car use too.

Question 3: 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? If yes, please provide the name or code of the zone plan and measure codes of the measure you are referring to in the space provided.

The plans are too voluminous to consider *in toto* but we have looked at part of the London Zone plan for an area with which we are particularly familiar. Nearly all of the proposed measures stretching over 5 pages of the Appendix are for road improvements, nevertheless, in almost every case, both their Focus and their Target emissions reductions are 'not available'.

While we understand that quantifying impacts is difficult and, in any event, uncertain, we do not understand how any reliance can be placed on measures where there seems to have been no attempt to quantify them (and hence consider too if they might embody any negative impacts, through displacement effects for example) at all. It is difficult to have confidence in this zonal plan (at least) accordingly.

Question 4: Do you agree that a consistent framework for Clean Air Zones, outlined in section 4.3.6 of the draft UK overview document, is necessary?

Yes

If yes, do you think the criteria set out are appropriate?

Not entirely.

In short, the criteria proposed are a choice of four combinations of vehicle types, each type further defined by an emission standard equating to Euro 6/VI for diesel and roughly Euro 4 for petrol (paras 148, 151). The combinations of vehicle types are, on their face, reasonably clear though there may be some uncertainty about the definition of 'coaches' (including minibuses or not?) and 'taxis' (just black cabs or minicabs too?) but it is difficult to understand why the Department has suggested the formulation for emissions it has done. While we would understand why you might specify 'Euro 6' for vans/cars for example – no lesser standard would suffice and that would correlate with a first registration date with compliance identifiable via ANPR - the difficulty with specifying *actual* emission limits is the widely known discrepancy between 'test-cycle' and 'real world' emissions, even for Euro 6, and whereas those limits cannot be tested, there is no accurate surrogate for them either, not to mention that they will be meaningless to most owners/drivers.

We also have doubts about the proposal (para 147) that vehicles not meeting a chosen standard should be subject to a charge when used within a CAZ; a policy including 'pay to pollute' is inherently inequitable and we think that (subject perhaps to an exemption for historic vehicles) all non-conforming vehicles should be treated the same way, regardless of the means of their owners (or their ability to pass the charge on).

Question 5: 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?

With a focus on reducing emissions from road transport, there are practical, financial and political barriers.

While there is likely to be consensus on the potential benefits of Clean Air Zones, establishing their individual boundaries (not least given the continuing uncertainty about 'real world' emissions), is likely to be challenging: they need to be effective but avoid (or deal in turn with) displacement effects which may go beyond air quality to include, for example, new congestion and noise. The same problem might arise in connection with road improvements not associated with CAZs. In either event, that will take time and expertise which will need, against the trend in local government staffing, to be funded, as will the monitoring which will be necessary to evaluate schemes and demonstrate their success with a certainty which modelling cannot provide.

Funding for expert manpower is, likewise, key to ensuring the control of emissions from a range of stationary sources.

Notwithstanding their potential efficacy, politically, local authorities might be expected to be wary of being associated with schemes which, while providing intangible benefits in the long term, produce material inconvenience almost immediately, for example through lane re-assignments and road restrictions, in particular where the changes are accompanied by charging powers of which the public can be suspicious.

Are there alternative measures which avoid these barriers? If so, please set these out in the space provided.

We do not think there is any easy way around the complexities of establishing CAZs; notwithstanding what experience exists, and the generic advice we expect to come from government early next year, every area is different and it will be local 'brain power' which will tell. Similarly, while it is one thing to specify the use of low emission mobile machinery on construction sites by way of a planning condition, it is another to ensure such a condition is met or, to provide an example from another pollutant source, to ensure the end of small scale waste oil burning.

There is no substitute in all of these cases for sufficient, suitably qualified people on the ground and whereas the numbers of those people have, of course, been declining in response to the government's wider policy towards public sector services that decline needs to be reversed.

As for the political risks, government should be prepared to back local authorities more visibly than the consultation paper suggests it will; though locally expressed, poor air quality

is a national issue and it is proposing in CAZs a national framework to deal with it. As well as funding their development and infrastructure, central government ought to be prepared to co-badge CAZs.

Question 6: Are you aware of any additional action on non-transport sources to improve air quality that should be included in the plan?

No.

While non-transport sources contribute to NO₂ emissions, it is difficult to see how those might be scaled back significantly or quickly.
