

The Rt. Hon. Hilary Benn MP,
Secretary of State for Environment, Food and Rural Affairs
Department for Environment, Food and Rural Affairs
c/o 3C Ergon House
Horseferry Road
London
SW1P 6AL

By email to: air.quality@defra.gsi.gov.uk

26 September 2008

Dear Secretary of State

Consultation on draft Local Air Quality Management Guidance

The purpose of this letter is to respond to the consultation by the Department for Environment, Food and Rural Affairs (Defra) on draft Local Air Quality Management Guidance.

The Campaign for Clean Air in London (CCAL) welcomes Defra's continuing commitment to the Local Air Quality Management process as shown by the consultation on the updated guidance.

CCAL is seriously concerned that there appears to be no transparent, effective and readily enforceable mechanism under United Kingdom (UK) laws (e.g. through unambiguous statutory duties) that will impose similar or the same duties on the Mayor of London and/or local authorities to those imposed on the government on behalf of the UK as a Member State under European laws for ambient air quality. As CCAL understands it, the Mayor of London and/or local authorities need only "work towards" the Limit Values set. This allows such entities, in some cases, to pursue "busy fool" inputs without achieving any worthwhile outputs. In contrast, the government has clear duties, with objectives and precise deadlines, and can face legal action and unlimited lump sum and daily fines if it does not comply with relevant laws.

CCAL considers that there must be clear and meaningful 'pass through' from the government's legal duties through to the Mayor of London and/or local authorities since the latter will be responsible, in practice, for implementing many of the most necessary solutions on the ground e.g. modal shift, low emission zones and local parking measures. CCAL urges the government to use all its existing powers (e.g. through the Environment Act and/or the Environment Agency), and new ones if necessary, to ensure that air quality obligations are enforceable at a local level (as well as nationally) including by private citizens. For example, CCAL considers that the Mayor of London and/or local authorities should each be under a clear statutory duty to implement successfully actions to improve local air quality, when it exceeds Limit Values, which are meaningful when judged in the context of all their available powers and the deadlines applicable under UK and European law. CCAL urges the government to establish and publicise widely such a mechanism within the next three months, perhaps at the time the new LAQM Guidance is issued.

Please will you or your officials clarify, fully and in writing, the above situation and the relevant obligations that do and will exist on the Mayor of London and/or local authorities to improve air quality. An email address for correspondence is provided separately to this letter.

CCAL supports fully the submission by Environmental Protection UK in its response to this

consultation except as noted above.

With best wishes.

Yours sincerely

Simon Birkett
Principal Contact
Campaign for Clean Air in London

By hand:
Winston Fletcher, Chair, The Knightsbridge Association
Carol Seymour-Newton, Honorary Secretary, The Knightsbridge Association

Cc:

The Rt. Hon. Ruth Kelly MP, Secretary of State for Transport
Jonathan Shaw MP, Minister for Air Quality
Boris Johnson, Mayor of London Sir Simon Milton, Deputy Mayor

ORGANISATIONS

Helen Ainsworth, EU and International Air Quality, Defra
Jenny Bates, London Regional Campaigns Co-ordinator, Friends of the Earth
James Bidwell, Chief Executive, Visit London
John Brewster OBE, Chairman, Port Health and Environmental Services Committee, Corporation of London
Patricia Brown, Chief Executive, Central London Partnership
Simon Davies, Department for Transport
Nick Fairholm, Transport for London
David Higgins, Chief Executive, Olympic Delivery Authority
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Professor Frank Kelly, Kings College London
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Sarah Legge, GLA Principal Policy Adviser – Air Quality
Blake Ludwig, Campaign Director, Alliance Against Urban 4x4s
Professor Bob Maynard, Health Protection Agency
Philip Mulligan, Chief Executive, Environmental Protection UK
Derek Picot, Chairman, The Knightsbridge Business Group
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Dr Martin Williams, Head of Air Quality and Industrial Pollution Programme, Defra
Tim Williamson, National Air Quality Assessment, Defra

LEADING POLITICIANS

John Bowis MEP, Conservative
Jean Lambert MEP, Green
Baroness Ludford MEP, Liberal Democrat
Claude Moraes MEP, Labour
Richard Barnes AM, Statutory Deputy Mayor and Leader of the Conservative Group
Len Duvall AM, Leader of the Labour Group, London Assembly



Darren Johnson AM, Green, Chair of the Transport and Environment Committee
Mike Tuffrey AM, Leader of the Liberal Democrat Group, London Assembly
Valerie Shawcross AM, Chair of the Transport Committee, London Assembly
Councillor Colin Barrow, Leader of the Council, City of Westminster
Councillor Merrick Cockell, Leader of Kensington and Chelsea Council