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By post and email: airqualitystrategy@westminster.gov.uk

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Dear Alastair

Draft Air Quality Action Plan Consultation

I am writing on behalf of Clean Air in London (CAL) to respond to the Draft Westminster Air Quality Action Plan (Draft AQAP) Consultation. Thank you for the opportunity to do so. Information about CAL can be found on its website at www.cleanairinlondon.org.

Westminster City Council's (WCC) consultation document can be seen at:

http://www.westminster.gov.uk/workspace/assets/publications/AQAP_2011pubcon-1306316493.pdf

This response includes comments on the Strategic Environmental Assessment (SEA) for the AQAP.

Summary

Clean Air in London's (CAL's) response focuses on the need to turn WCC's vision and history of action into future measures that are in proportion to the scale of the air pollution challenge. Such measures need to protect public health, ensure full compliance with air quality laws and avoid European Union (EU) fines.

CAL is pleased to acknowledge WCC's proud history of action to improve air quality including:

- 'The first local authority to declare an Air Quality Management Area in 1999' (Foreword);
- 'The first to produce an Air Quality Strategy and Action Plan in 2001' (Foreword); and
- 'Pioneered the initial concept of a Low Emission Zone (LEZ) for London and promoted it, following commissioning of a technical appraisal in 1999' (paragraph 6.1.7).

CAL is also impressed by the vision described by WCC in its consultation document including:

- 'Through this new AQAP, we will continue to rise to the challenge, striving to improve air quality and thus people's health, incentivising and working with others to do so' (Foreword)
- 'The City Council wants to ensure that the new action plan responds to the specific

- challenges in Westminster and makes a difference' (Executive Summary)
- 'The revised Draft AQAP provides robust and focused measures to lead the way in reducing air pollution' (paragraph 1.2.3)

However, CAL considers unacceptable the:

- possibility of further infraction and fines for breaching the health based PM₁₀ limit values;
- prospect of infraction and fines for breaching the health based NO₂ limit values; and/or
- possibility of infraction and fines for breaching the health based PM_{2.5} legal standards.

You will be aware the Government is planning to take powers under its Localism agenda to pass EU fines to local Government which may seek to pass them on further e.g. to local businesses and residents.

CAL is very concerned that WCC's: vision; analysis of the sources of harmful emissions; and identification of the need to focus efforts on tackling emissions from transport (e.g. target pollution hot-spots and routes), are not yet backed by adequate transport measures.

CAL is also concerned that the Draft AQAP does not include specific measures for 2012 to protect public health and comply fully with legal standards e.g. during the Queen's Diamond Jubilee and the Olympic and Paralympic Games.

CAL wants action now, not fines and excuses later. In CAL's view, the only measure likely to meet all the above requirements is a robust new Clean Air Zone covering central and inner London. It should be combined with ambitious measures to increase walking and cycling.

WCC's analysis

The SEA makes clear that 'the main aim of the Westminster AQAP is to reduce the levels of NO₂ and PM₁₀ in Westminster to below the [National Objectives] in order to protect the health and wellbeing of the borough' (paragraph 2.2 on page 12).

The Draft AQAP states however:

- Map 1 shows that annual average NO₂ concentrations are predicted to exceed the air quality objective of 40 micrograms per cubic metre (µg/m³) over large areas of the City in 2015, particularly in very densely populated areas, along several of the busiest roads and at major junctions (4.5.1 on page 27);
- Map 3 shows that annual average PM₁₀ concentrations are predicted to exceed the air quality objective of 40 µg/m³ at several of the busiest junctions in the City [still in 2015] (4.6.1 on page 28);
- Map 4 shows that...24-hour average PM₁₀ concentrations [are] predicted to exceed the air quality objective of 50 µg/m³ along some of the major roads and at some busy junctions in the City [still in 2015] (4.6.2 on page 28); and
- Data shows that we are likely to exceed the levels required by the UK objectives at our Marylebone Road monitoring site (paragraph 8.3.5 on page 81).

The NO₂ hourly limit value is also likely to be breached still in 2015 without further action.

WCC's analysis predicts that road transport will be responsible for 67.2% of PM₁₀ emissions (Figure 4 on page 30) and 43.0% of emissions of oxides of nitrogen (NOx) (Figure 5 on page 31) in 2015. It predicts further that contributions to: PM₁₀ exhaust emissions from buses and coaches will be 11% and from taxis 45%; and NOx emissions from buses and coaches will be 47% and from taxis 11% (Figures 8 and 9 on page 37). The Draft AQAP then states '...it can be seen that buses and coaches are the most significant sources of NOx' (paragraph 6.1.3).

The SEA asserts 'The assessment also directly addresses the likely changes to the environment without implementation of the draft Westminster AQAP which is a worsening of the city's air quality and a related negative impact on the health and wellbeing of the city's population, climate change and noise' (paragraph 15 on page 7). CAL has found no quantitative evidence in either the Draft AQAP or the SEA to support this assertion. Please address this omission.

You will be well aware that any or all the above legal breaches could lead to infraction action by the European Commission (Commission). Transport for London (TfL) has said 'infraction proceedings against the Government could lead to significant fines, potentially in the region of £300m per year, for each pollutant'. You will be well aware that legislation proposed in the current Localism Bill would enable Government to pass such fines onto London. The European Commissioner for the Environment, Commissioner Potočnik, is on record as saying 'the limit values or timetables are not negotiable'.

WCC's analysis makes clear there is no plan yet to comply with these requirements.

Need for action

CAL is pleased that the Draft AQAP correctly identifies the need to tackle emissions from road transport and target pollution hot-spots and routes (page 40).

The Draft AQAP states 'It should be noted that the City Council has only limited control over many of the main transport routes in Westminster as these roads form part of the Transport for London Road Network (TLRN) which is managed by Transport for London [TfL]' (paragraph 6.1.2 on page 36). However, Table 3 on page 46 makes clear that WCC is the managing organisation for many key streets such as Oxford Street, Piccadilly and Regent Street.

Clean Air Zone

In CAL's view, the use of dust suppressants, for example, to tackle hot-spots and hot-routes is flawed because it masks the problem and is not a sustainable or proportional response to such a serious problem.

CAL wants the underlying air pollution problem in central London to be attacked by WCC in order to protect public health and ensure full compliance with air quality laws and avoid EU fines.

In particular, CAL wants WCC to establish a 'Clean Air Zone' for road transport within its borough boundaries and champion such a zone in central and inner London. In CAL's view, this

should be done in Phases to take account of the celebrations in 2012 and needs to:

- exclude in a Phase 1 all pre-Euro 4/IV diesel vehicles (except Euro 3/III with a diesel particulate filter (DPF) and licenced taxis 'dropping off') from the whole borough by 7 May 2012; and then reduce the size of the zone to
- exclude in a Phase 2 all pre-Euro 4/IV diesel vehicles (except Euro 3/III with a diesel particulate filter (DPF)) from the whole area of overlap between the borough and the Central Congestion Charging Zone by 30 September 2012.

Ideally, this structure would be part of a similar approach, led by the Mayor of London, for the whole of central and inner London by 7 May 2012 and then reduced to cover the whole of the Central Congestion Charging Zone area by 30 September 2012. WCC should press ahead with these Phases in isolation if others will not act.

Such a scheme would require little more than: zone signage; windscreen stickers on public transport vehicles for which the emission standards are well known; and an enforcement mechanism. Phases 1 and 2 would be similar to the standard in place in Berlin since 1 January 2010.

CAL estimates that this would exclude up to: 13.5% of London Transport buses; 2.8% of taxis; and 26.2% of diesel cars in Phase 1. WCC should press for financial support for taxi drivers for Phase 2.

CAL believes this approach is backed by recent analysis undertaken of Berlin's inner low emission zone (attached) and in a report titled 'Emissions Reduction Scenarios for the City of London Corporation' (CoL Report) (12.5 MB file size):

http://www.cityoflondon.gov.uk/NR/rdonlyres/2F702BD9-E69E-4DA2-BF79-02F80D75FA66/0/HS_EH_FM863_Sc2_15June11.pdf

The CoL Report showed that Phase 1 should achieve full compliance with the PM₁₀ daily limit value even in the most polluted parts of London (e.g. Upper Thames Street) and provide a margin of safety in case weather is adverse (e.g. hot).

In order to minimise the prospect of EU fines for NO₂, CAL wants WCC to implement a further tightening of the 'Clean Air Zone' for road transport by 2015. In CAL's view, Phase 3 needs to:

- exclude all pre-Euro 6/VI diesel vehicles from the whole area of overlap between the borough and the Central Congestion Charging Zone by 1 January 2015.

The CoL Report showed that such an approach would achieve full compliance with the NO₂ annual mean limit value except in one or more of the most polluted streets in London (e.g. Upper Thames Street) and provide a margin of safety in case weather is adverse (e.g. hot). CAL is not aware of any other report which has shown how the NO₂ limit values can be achieved by 2015 as required by law.

CAL is aware that TfL has produced a report titled 'Stricter emissions standards for central and

inner London: a provisional assessment of potential feasibility and effectiveness' dated June 2011. This report admitted that a Berlin style zone would be 'quick and inexpensive to implement' but then did not consider such a scheme. The report which dismissed a central or inner low emission zone, primarily on cost grounds, did not consider: a quantification of benefits; the need to avoid transport chaos during the Olympics; or the need to comply cost effectively with air quality legal deadlines.

A Clean Air Zone in central (and inner) London is consistent with the Mayor's Air Quality Strategy (MAQS) which says:

- 'London boroughs may wish to explore establishing their own emission control schemes in response to local circumstances. Where appropriate and consistent with Mayoral strategies, the Mayor will consider supporting these, for example through the LIP process and other measures. To ensure London-wide inter-operability and to minimise compliance costs the Mayor would work with boroughs to establish guidelines for introducing a local zone should there be interest in doing so' (paragraph 3.12.3 on page 100); and
- 'The original central London congestion charging zone has been identified as a potential location for a local low emission zone due to the high concentrations of PM₁₀ and NO₂ in the area and because it is an established 'zone'. TfL will work with boroughs and other stakeholders to assess the feasibility and cost effectiveness of potential options' paragraph 3.12.4 on page 100).

A Clean Air Zone is also consistent with comments made in the Draft AQAP. For example, the Draft AQAP makes the point that when 'A feasibility study for a low emission zone was undertaken by consultants on behalf of [WCC] in 2000 [it] concluded that a London-wide low emission zone would bring background concentrations in most of Westminster to within national air quality objective standards, but would still leave exceedances at the kerbside and in parts of the West End' (paragraph 6.2.1 on page 40). This conclusion is consistent with the German decision to implement inner LEZs in some 40 cities to ban the most polluting vehicles from the most polluted parts only of their cities (e.g. Berlin).

Of course, CAL would like to see the Government and the Mayor of London implement scrappage, abatement and incentive schemes and/or other mitigation measures for which benefits should far exceed costs. For NO₂, for example, the MAQS lists on pages 153 to 159 some 14 measures that should be taken by 2015 to reduce concentrations of that pollutant. The CoL Report also suggests other measures that could be adopted (e.g. the use of biomethane and electric vehicles). If these other measures are implemented by 2015, it may be possible to delay for a short time the implementation of Phase 3 of the Clean Air Zone.

However, please be in no doubt, given the scale of the public health and legal failings, CAL considers the three Phases should be implemented by the dates mentioned above whether or not the Government and/or the Mayor of London and/or Transport for London play their part in mitigating the impacts. Please will WCC champion action to tackle this problem.

Walking and cycling

CAL is very supportive of WCC's commitment to encourage walking and cycling. CAL is concerned though that there is no quantification or detailed analysis in either the Draft AQAP or the

SEA of the extent, trends and benefits of walking and cycling as two of the most sustainable modes of transport. As you know, 5,500 cycle parking places in Westminster and the Mayor's cycle hire scheme are no more than a drop in the ocean compared to what is needed. Please address this omission in the final AQAP.

Buildings and development

CAL notes your proposals to tackle emissions from buildings and development. Please amend the Draft AQAP throughout to take full account of the Mayor of London's London Plan published today e.g. in respect of biomass boilers.

CAL encourages WCC to:

- require a detailed air quality impact assessment for any development where biofuel or biomass is proposed for on-site energy generation;
- develop local best practice guidance from gas Combined Heat and Power plant;
- encourage developers to install non-combustion renewable energy technology to work towards energy security and carbon reduction targets (e.g. solar and anaerobic digestion); and
- consider cost-effective ways of minimising emissions from back-up generators.

The Draft AQAP needs also to tackle the impact of Crossrail during construction and include measures to offset the impacts on local air quality.

Evaluation criteria

In CAL's view, the 'Evaluation criteria' for the AQAP need to be more truly 'output' focused. For example, the number of air quality measures at hot-spots/hot-routes is not important *per se*; what is important is the reduction in annual mean and short-term concentrations of PM₁₀ and NO₂. Similarly, the length of new cycle routes installed and number of cycle stands is not important *per se*; what is important is the proportion of journeys by walking and cycling in Westminster. Please amend the Draft AQAP accordingly.

Conclusion

In CAL's view, WCC needs to match bold words with bold action in its AQAP.

WCC's own analysis makes clear that road transport emissions, and bus and taxi emissions in particular, must be reduced sharply in the most polluted parts of London if public health is to be protected, air quality laws are to be complied with and EU fines are to be avoided.

In CAL's view, the only proven measure that will achieve these objectives is a robust new Clean Air Zone in central and inner London.

I would welcome the opportunity to discuss this submission with you. CAL has provided advice to a number of other organisations on their submissions.



I have copied those investigating currently a Clean Air Zone for the Olympics.

Yours sincerely

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Founder and Director
Clean Air in London

cc:

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