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Simon Birkett

Our ref: EIR2022/14127
8 August 2022

Dear Simon Birkett,

REQUEST FOR INFORMATION: Clean Air (Human Rights)

Thank you for your request for information of 10 July 2022 about Clean Air (Human Rights). We have handled your request under the Environmental Information Regulations 2004 (EIRs).

The EIRs apply to requests for environmental information, which is a broad category of information defined in regulation 2 of the EIRs. Public authorities are required to handle requests for environmental information under the EIRs. They give similar access rights to the Freedom of Information Act 2000 (FOIA).

Your information request and our response are set out below.

To help me contribute constructively to the debate on Baroness Jones' CAHR Bill, please will Defra provide me with the following information by the close of business on Monday 8 August 2022. I appreciate that this request may require some new modelling by Defra's experts but I believe that the work is unlikely to involve much additional work as it would contribute usefully to Defra's formal target setting for PM2.5.

I would like to understand:

1. for each of calendar 2020 (actual) and calendar 2030 (estimated). Note: I have chosen a round number for simplicity in requesting 2030.

2. for England as a whole and each of nine regions: North East; North West; Yorkshire and the Humber; East Midlands; West Midlands; East of England; London; South East and South West (i.e. as used in your modelling7);

3. each of the following:

3.1. average ambient PM2.5 concentrations (ug/m3) i.e. total including primary, secondary and non_anthropogenic i.e. across the whole region or England as a whole;

3.2. population-weighted PM2.5 concentrations (ug/m3) i.e. total including primary, secondary and non-anthropogenic; and



3.3. *qualitative commentary or a quantitative assessment of the impact on PM2.5 concentrations where limit values apply using the modelling referred to or indicated by Professor Lewis.*

4. *the impact of each of the following future emission scenarios by 2030:*

4.1. *the UK complying fully with the National Emissions Ceiling Directive 2018 for ammonia (NH3) in 2030;*

4.2. *the UK reducing NH3 emissions from all sources, including both agricultural and non-agricultural, by 50% as suggested in the scientific paper titled 'Abating ammonia is more cost-effective than nitrogen oxides for mitigating PM2.5 air pollution' (by Mark A Sutton, Mike Holland and others, 5 November 2021). I appreciate that 4.2 may include 4.1;*

4.3. *the phasing out of all domestic wood burning in urban areas by 20308 ; <https://www.gov.uk/government/statistics/emissions-of-air-pollutants> 4.4. the phasing out of all other domestic solid fuel burning in urban areas by 2030; 4.5. the phasing out of all biomass including wood burning from industrial combustion by 2030; 4.6. other measures (excluding those above) required by UK legislation, regulation or guidance that would reduce PM2.5 emissions by 2030 (please identify each of these) e.g. vehicle emissions and non-road mobile machinery standards;*

4.7. *the possible impact of new powers requested by the Mayor of London and London Councils to control emissions from plant and equipment in areas of poor air quality e.g. boilers, combined heat and power plant, cooking appliances used in restaurants, solid fuel burning in fireplaces and stoves, non-road mobile machinery and static generators. Please note commercial cooking as identified in the London Atmospheric Emissions Inventory 20199 ;*

4.8. *the contribution from other UK sources of primary and secondary PM2.5 not included above (please identify each of these);*

4.9. *all EU 27 countries complying fully with their obligations under the National Emissions Ceilings Directive 2016 by 2030 (which would reduce secondary PM2.5 in the UK);*

4.10. *the EU27 implementing fully its zero pollution vision for 205010 and achieving a straight line reduction in air emissions between 2021 and 2050;*

4.11. *the UK matching the EU27's ambition level as described in 4.10; and*

4.12. *the UK being fully on-track in 2030 (in straight-line terms) to comply with the 5th and 6th carbon budgets set by the Climate Change Committee.*

5. *any other essential information you can provide to help me understand what could be done to reduce emissions and concentrations of PM2.5 including in relation to implementing and improving the UNECE's Convention on Long-Range Transboundary Air Pollution.*

Concentration data (para. 1, 2, 3.1, 3.2 and 3.3)

With regard to your specific request for concentration data in 2020 this information is already readily available to you on our website: <https://uk-air.defra.gov.uk/data/gis-mapping/>. Our compliance assessment report "Air Pollution in the UK 2020" details the

assessment of air quality concentrations against existing limit values and provides qualitative commentary: https://uk-air.defra.gov.uk/library/annualreport/viewonline?year=2020_issue_1#report_pdfIn addition, the technical report detailing how the PCM model is compiled for this purpose contains useful graphs relating information such as source apportionment:

https://uk-air.defra.gov.uk/assets/documents/reports/cat09/2203150935_2020_PCM_technical_report.pdf

In addition, we have published datasets that provide concentration data and population weighted mean concentrations by country, region or local authority here: <https://uk-air.defra.gov.uk/data/pcm-data>.

As this information is already publicly available and easily accessible to you in another form or format, regulation 6(1)(b) of the EIRs exempts Defra from providing a copy of the information with this response to your request.

Information on reduction of emissions and concentrations of PM2.5 (para. 5)

Similarly, in regard to your request for any other essential information to understand what could be done to reduce emissions and concentrations of PM2.5, the UK government, along with Scottish Government, Welsh Government and the Northern Ireland Executive are conducting a consultation on the revised draft National Air Pollution Control Programme (NAPCP). The NAPCP outlines the Policies and Measures (PaMs) which will be considered further in order to reduce emissions in accordance with the National Emission Reduction Commitments (ERCs) set under the National Emission Ceilings Regulations 2018 (“the NECR”). The consultation has been published on gov.uk: [Draft National Air Pollution Control Programme \(NAPCP\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/draft-national-air-pollution-control-programme)

Future emissions scenarios (paras 4.1-4.12 and 3.3)

The remainder of your letter requests outputs from specific modelling “scenarios” or “runs”. The relevant work that was undertaken is described in the evidence report published alongside the consultation here:

https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/supporting_documents/Air%20quality%20targets%20%20Detailed%20Evidence%20report.pdf

In our obligation to provide help and advice under regulation 9 of the EIR’s, we can inform you that this modelling used 2018 as a base year (not 2020, which was not modelled) and modelled a range of different scenarios to inform target proposals, including considering PM_{2.5} concentrations in 2030. Both quantitative findings and qualitative assessment are provided within the published evidence report (ref para 3.3). However, the scenarios modelled considered packages of interacting measures in combination, not just, for example, the achievement of NH₃ NECR commitments in isolation.

Requests made under the EIRs are requests for recorded information only, therefore, we can confirm that some of the information requested is not held by Defra.

The information is therefore exempt under regulation 12(4)(a) of the EIRs, which relates to information which is not held at the time when an applicant's request is received. Regulation 12(4)(a) is a qualified exception, which usually means that a public authority is required to conduct a public interest test to determine whether or not information should be disclosed or withheld. However, the Information Commissioner's Office (ICO), who is the independent regulator for requests made under the EIRs, takes the view that a public interest test in cases where the information is not held would serve no useful purpose. Therefore, in line with the ICO's view, Defra has not conducted a public interest test in this case.

We are withholding further information in relation to the modelling that was undertaken as it falls under the exception in regulation 12(4)(e) of the EIRs, which relates to internal communications.

In applying this exception, we have had to balance the public interest in withholding the information against the public interest in disclosure.

We recognise that there is a public interest in the information in relation to the air quality modelling undertaken to inform the PM_{2.5} target setting process. This is why across all the targets we are proposing, we have provided over 800 pages of evidence and information regarding the development of our proposed targets to date, including consultations, calls for evidence, minutes from our expert groups, policy papers and detailed evidence reports.

However, the information contained within the modelling undertaken includes actions or measures that could be interpreted or misconstrued as government policy or policy intention and as such, misinterpretation could have a significant impact on relevant sectors or industries.

Policies and measures to achieve the targets will be developed once the targets have been set and will follow due process, including public engagement and consultation before any measures become government policy. Plans to meet interim targets will feed into the review of the 25 Year Environment Plan, the new Environmental Improvement Plan, due in January 2023.

There is a stronger public interest in not providing the information because effective policy making depends on candid communications and public authorities having a private space for deliberation. The quality of decision-making is enhanced by the frank and candid conversations that inform plans and policies. Providing this material would result in a loss of that frankness and candour, damaging the quality of future advice and decision making. It is therefore in the public interest that Defra should have space to develop and carry out internal analysis of policy options and discuss them with other affected government departments.

Therefore, we have concluded that in all the circumstances of the case, information in response to paras 4.1-4.12, should be withheld.

Information disclosed in response to this EIRs request is releasable to the public. In keeping with the spirit and effect of the EIRs and the government's Transparency Agenda, this letter and the information disclosed to you may be placed on [GOV.UK](https://www.gov.uk), together with any related information that will provide a key to its wider context. No information identifying you will be placed on the GOV.UK website.

We attach Annex A, explaining the copyright that applies to the information being released to you, and Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter please contact me.

Yours sincerely

Information Rights Team

Annex A

Copyright

The information supplied to you continues to be protected by copyright. You are free to use it for your own purposes, including for private study and non-commercial research, and for any other purpose authorised by an exception in current copyright law. Documents (except photographs or logos) can be also used in the UK without requiring permission for the purposes of news reporting. Any other re-use, for example commercial publication, would require the permission of the copyright holder.

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Copyright in other documents may rest with a third party. For information about obtaining permission from a third party see the [Intellectual Property Office's website](#).

Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 11 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Andrew Mobsby, Head of Information Rights via email at InformationRequests@defra.gov.uk and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally the ICO cannot make a decision unless you have first exhausted Defra's own complaints procedure.

The ICO can be contacted using the following link:

<https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/>