

Department for Environment, Food and Rural Affairs

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Ms K Harrison
Harrison Grant Solicitors
175 – 185 Gray's Inn Road
London
WC1X 8UE

Our ref: RFI 4416

Your ref: CAL0013

Email Address: hg@hglaw.co.uk

22 December 2011

Dear Ms Harrison,

REQUEST FOR INFORMATION: RACE EQUALITY IMPACT ASSESSMENTS OF AIR QUALITY PLANS TO MEET EU LIMIT VALUES FOR NITROGEN DIOXIDE (NO₂)

Thank you for your request of 23 November 2011 for information regarding race equality impact assessments of air quality plans to meet EU limit values for nitrogen dioxide (NO₂). You have specifically asked for information covering:

- (a) Details of the relevant authorities to which we refer in our letter to Clean Air in London ("CAL") of 27 October 2011.
- (b) Details of the race equality impact assessments to which we refer in that same letter.
- (c) Details of any decision made by Defra not to revisit the impact assessments.
- (d) Evidence that the Secretary of State has consciously directed her mind to equality needs in relation to the submitting of NO₂ plans to the European Commission.

We are handling your request for recorded information under the Environmental Information Regulations 2004 (EIRs).

With regards to requests (a) and (b), the relevant authorities we refer to are UK, national, regional or local authorities who are responsible for assessing the impact of policies. The relevant authorities are named in the air quality plans and accompanying documents on the UK Air website (see: <http://uk-air.defra.gov.uk/library/no2ten/index>). Defra does not hold any further details.

Defra also holds no information with regards to requests (c) and (d). It may nevertheless be helpful to explain more about Government policy on air quality and what air quality plans for nitrogen dioxide aim to achieve. It is UK Government policy to work towards full

compliance with limit values, thereby benefiting all UK citizens, irrespective of their ethnicity or where they live. The fact that despite these best efforts there remain parts of the UK where the limit values for nitrogen dioxide are not expected to be met in 2015 is not the result of an active policy choice. Rather it reflects the lack of available and proportionate measures to significantly hasten progress towards compliance at roadside locations in our major towns and cities.

Nevertheless, an options Impact Assessment was published to support and inform the work on consideration of Low Emission Zones as a means of improving air quality. If this is taken forward, a more detailed Impact Assessment will need to be made and the need for race equality and other impact assessments will be considered.

As you can therefore see, we are fully aware of the Public Sector Statutory Duty set out in section 149 of the Equality Act 2010 and we do not consider that we are making any policy decisions that impinge on these duties. On the contrary, we are endeavouring to benefit all citizens wherever they live by tackling all sources of air pollution and working to achieve air quality standards in all areas as soon as practicable.

The information you request is not held for EIR purposes and is therefore exempt under regulation 12(4)(a), 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, 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 Commissioner's view, Defra has not conducted a public interest test in this case.

I attach an annex (**Annex A**) 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,

Stuart Gibbons

Email EUAirQuality@defra.gsi.gov.uk

Annex A

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 within 40 working days of the date of this letter. Please write to Brendan Walsh, Head of Defra's Information Rights Team at Area1B, Ergon House, Horseferry Road, London, SW1P 2AL, (email: informationrights@defra.gsi.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, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF