

12 July 2018

## **Clean Air Strategy**

### **Purpose of report**

For direction.

### **Summary**

The Government has published a draft Clean Air Strategy for consultation. It deals with all types of air pollutants that the Government is required to monitor under EU law and is in addition to last years' strategy for reducing Nitrogen Dioxide. This paper summarises the main proposals concerning Local Government. Shaun Gallagher (Director, Environmental Quality) at the Department for Environment, Food and Rural Affairs (DEFRA) and Alicia Pearce (Local Air Quality Policy) will be presenting to the board the key points of the strategy and will take questions from board members.

### **Recommendation**

That the Environment, Economy, Housing and Transport Board lead members note the contents of the presentation and highlight any areas of concern to DEFRA.

### **Action**

Officers will prepare a draft consultation response based on the discussion and further consultation with member councils.

<b>Contact officer:</b>	Andrew Jones
<b>Position:</b>	Policy adviser
<b>Phone no:</b>	0207 664 3178
<b>Email:</b>	andrew.jones@local.gov.uk

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## **Clean Air Strategy**

### **Background**

1. The Government launched its clean air strategy last month which discusses the Government's approach to all airborne pollutants. It references the existing strategy to reduce nitrogen dioxide but it is mostly focussed on actions designed to reduce other pollutants.
2. The other pollutants include those monitored as part of European legislation and the Gothenburg Protocol. The Protocol sets national emission ceilings for 2010 up to 2020 for four pollutants: sulphur (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOCs) and ammonia (NH<sub>3</sub>). It builds on the previous Protocols that addressed sulphur emissions (1985 Protocol; 1994 Protocol), VOCs and NO<sub>x</sub>. These ceilings were negotiated on the basis of scientific assessments of pollution effects and realistic options for reducing them.
3. The strategy is primarily focussed on:
  - 3.1. Fine particulate matter (PM<sub>2.5</sub>)
  - 3.2. Ammonia (NH<sub>3</sub>)
  - 3.3. Nitrogen oxides (NO<sub>x</sub>)
  - 3.4. Sulphur dioxide (SO<sub>2</sub>)
  - 3.5. Non-methane volatile organic compounds (NMVOCs)
4. The United Kingdom is required to keep all of these pollutants below European Union mandated limit values until Brexit. After Brexit the Government has committed to environmental standards that are at least as strong as those in the EU. How this will be monitored and enforced is referenced as part of this consultation
5. The wide ranging nature of the strategy means that it affects a wide variety of local government functions across different tiers. The strategy impacts on the existing air quality functions of local government as well as public health, transport, environmental health, building control and also considers issues of working across tiers and devolution.

### **Issues**

6. The strategy contains discussion of modelling and the public availability of data. We have previously highlighted the need to reference the discrepancies between local modelling and knowledge and the results that came from the national modelling

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produced for the nitrogen dioxide plan. Some local authorities believe that the national modelling could lead to counterproductive interventions for instance by diverting traffic from orbital routes to city centres. It also contains a commitment to force authorities to publish the data they hold in a common national format.

7. The strategy talks about the significant public health threat of air pollution. It discusses ways in which the nature of the threat can be more clearly communicated as well as steps members of the public can take. We will renew our calls for a wide ranging public health campaign to be launched with simple steps people can take.
8. The environmental sections include commitments to examine red diesel and non-road machinery. We know from our previous discussions that many of the mandated authorities have strong views about placing limits on non-road machinery. There is a belief that stronger powers to regulate this machinery will play a strong role in ensuring compliance with the Nitrogen Dioxide strategy.
9. The transport section defers to the published nitrogen dioxide plan and also the as yet unpublished 'Road to Zero' strategy. The strategy will give more detail on how the Government intends to hit its target that all new road vehicles will be ULEV by 2040. It also includes the rail industry within this target. We await the publication of this strategy and intend to respond to it when it is published.
10. The strategy envisions new labelling requirements for household cleaning products and other household products that contribute to indoor air pollution. Whilst the consultation envisions that the scheme will be industry led if it is to be effective there will need to be some element of enforcement which presumably will fall to trading standards. officers.
11. The most significant changes contained within the strategy is the announcement that the Government intends to introduce new primary legislation in order to rationalise all the relevant duties and powers concerning air quality. They have specifically referenced the introduction of Clean Air Zones and aligning them with Air Quality Management Areas. There is also commitment to review smoke control powers which are powers that allow an authority to designate a smoke control area where it is an offence to emit smoke from a chimney.
12. The LGA intends to investigate to what extent these powers are currently used and how authorities would prefer to see them reformed. The powers that are currently available are concentrated in lower tier authorities. Although some of the powers that were proposed to form part of Clean Air Zones (primarily those concerned with traffic measures) are upper tier functions. It is not clear in the strategy whether or how these powers and responsibilities would be redistributed by new legislation.

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13. Post Brexit we want to know exactly how the Government will be held to account by the new independent body for environmental monitoring that has been proposed and how the membership of this body will be appointed. The strategy does mention this body but falls short of offering definitive proposals. It also needs to be established whether local government will be held responsible for breaches of targets. We need more detail about the scope of the proposed legislation and whether there will be a transfer of responsibilities across tiers.

14. Many of the proposals outlined above and in the strategy lack detail and we believe this gives local government a chance to shape this agenda in a way that allows for positive change.

#### **Implications for Wales**

15. This policy is an area of devolved responsibility and the Welsh government will formulate its own response.

#### **Financial Implications**

16. None

#### **Next steps**

17. Officers will use the content of the board discussion as well as further consultation with member councils in order to respond to the consultation.

18. The LGA will be convening a panel of officers to highlight the limitations of the current regulatory and statutory arrangements and how they work in practice.

19. The strategy along with supporting documents for the consultation can be accessed here: <https://consult.defra.gov.uk/environmental-quality/clean-air-strategy-consultation/>