

LGA response to DEFRA Consultation on draft plans to improve air quality - Tackling nitrogen dioxide in our towns and cities

Question 1: Do you consider that the proposed plan set out in the overview document strikes the right balance between national and local roles?

Aside from the proposal for a Clean Air Zones framework (discussed in answer to question 4), we have two specific concerns about the proposals set out in the overview document.

- a) Government is putting the emphasis on councils to address the problem, with limited acknowledgement of its responsibilities such as addressing demand for diesel cars and shortcomings in the emissions standards system or providing an explicit air quality remit for the new Strategic Highways Company - as recommended in the Environmental Audit Committee's November 2014 report.

In March 2014 Defra reminded councils of the Government's discretionary powers to pass on all or part of an infraction it receives from the EU to councils. The LGA strongly believes that there is no case for fining councils as:

- the cause and impact of air pollution cannot be contained within administrative boundaries
 - reductions of up to 40% in councils' core budgets greatly diminishes their ability to act on air quality reduction measures
 - The Government refuses to give councils powers that it ought to provide if it is to follow the Supreme Court's instruction (see below).
 - at the same time it appears to be failing in taking action at a national level:
 - The Strategic Roads Network - it is notable that a major - if not the largest - source of nitrous oxide and indeed particulate pollution especially near our urban areas is the Strategic Road network.
 - The Government needs to do more to work with the EU to tackle the industry-wide challenges that remain in reducing harmful emissions from cars, in particular diesel vehicles.
 - The Government admits that it cannot quantify its own actions whilst expecting councils to do so.
-
- b) While the measures set out in the document are generally desirable, they will not work quickly and do not go far enough, while some may have no impact at all. Meanwhile measures which could have a much more immediate impact are omitted:
 - Measures designed to promote Low Emission Vehicles, while welcome, will take years to show results in terms of reduced emissions. The Government could be doing more to promote take-up of such vehicles and to lobby for EU wide incentives to manufacturers that would accelerate the growth of ULEVs as a proportion of new vehicles.

- The Government points to the £77 million it is spending on promoting cycling as a factor in tackling poor air quality. Whilst councils also promote cycling and walking, they do so against overall transport strategies where they balance the sometimes competing needs of different road users and communities which will vary from place-to-place, requiring a local set of solutions.
- It is vital therefore that the Government recognises the role that all forms of transport can play in reducing harmful emissions, including the role of buses. Bus funding outside London has been reduced by around half a billion pounds since 2011. Experience in London has shown that improved bus provision can significantly reduce car-use, suggesting that improved bus services can offer the quickest means of reducing car-generated emissions. The LGA is calling on the government to devolve all subsidies and to introduce enhanced powers for councils in relation to bus networks through the Buses Bill. This will enable them to better target public resources towards reducing pollution as well as encouraging motorists to switch to buses.
- The consultation document argues that enhancing the road network will improve traffic flows, reducing congestion and thereby emissions. This may be true in some locations, however by tripling its investment in the Strategic Roads Network without similar levels of investment in local road, the Government risks increasing emissions near major urban areas and moving congestion from one bottleneck to the next – and may simply encourage more cars onto the road. Improved funding for all public transport and better traffic management, parking control and travel planning are likely to do more to reduce pollution than simply building more roads.
- It should be added that councils outside London continue to be prevented from enforcing moving traffic offences using the powers in Part 6 of the Traffic Management Act, 2004. These powers could be targeted on specific junctions where failure to observe yellow-box or banned-turn restrictions causes congestion and could thereby reduce emissions at a fraction of the cost of physical interventions. The access restrictions proposed as part of Clean Air Zones will be unenforceable without these powers.
- Similar benefits could arise by giving councils access to greater powers to control street works – another major cause of delay, congestion and pollution – through lane rental schemes or the powers in Part 3 of the 2004 Act.

Question 2 and 3: not relevant to LGA

Question 4: Do you agree that a consistent framework for Clean Air Zones, outlined in section 4.3.6 of the UK overview document, is necessary? If so, do you think the criteria set out are appropriate?

The government is proposing a framework for Clean Air Zones which could involve banning vehicles on the basis of emissions standards. We support this initiative in principle as an option for councils but have four reservations:

- i) The proposed emissions standards only apply to NOx. While NOx is the focus of EU action against the UK, the growth of diesel car-ownership has been encouraged by government attempts to reduce CO2 emissions, so any measure that simply encourages drivers to switch from diesel to petrol cars risks replacing one problem with another. Particulate emissions are also a problem. Clean air zones need to address all three of these issues.
- ii) The assumption behind this proposal is that cars emit what emissions tests say they emit. There is little point in allowing cars access to a clean air zone if they emit more pollutants in real-world conditions than in the tests that produce the standards on which the zone is based. Yet manufacturers are failing to produce vehicles that perform to test standards in real-world conditions for either NOx or CO2. Any system of emissions-based access restrictions must be based on real-world performance and if this is impossible it may be necessary to ban certain types of engine altogether.
- iii) While we accept that access restrictions may be necessary, they are likely to meet significant public opposition and their knock-on effects need to be considered. Banning diesel cars from a city centre might render those cars unsellable, leaving their owners with no means of accessing work unless funding is available for significant public transport enhancements. For many people driving is the only means by which they can get themselves to work and their children to school. If they are banned from driving into certain areas then some form of public provision may be required and this will come at a cost.

The Government needs to recognise that tackling air quality problems will come at a cost – either to national government, to local government, or to individuals. If no action is taken there will be a public health cost. The recent Volkswagen scandal shows that the car industry has a critical role to play. It is vital that the Government works with the EU and the motor industry to produce vehicles that perform adequately in real world conditions and it is only right that the industry contributes towards the cost of rectifying the UK's air quality. This is a developing situation, but if the outcome is that manufacturers compensate owners, Government should act to try and ensure that compensation supports incentives for cleaner modes of transport and investment in local action.

- iv) The structure of the zone proposals set out in the consultation implies that banning cars will be the last resort, yet the latest research shows that cars emit higher levels of NOx than buses and other heavy vehicles (even before one takes account of the greater capacity of a bus)ⁱ. While everything possible should be done to reduce the harmful emissions of heavy vehicles, restrictive measures that do not apply to the car will not be as effective (as has arguably been demonstrated in London). This emphasises the significance of the concerns set out in the preceding three paragraphs.

Question 5: What do you consider to be the barriers that need to be overcome for local authorities to take up the measures set out in section 4 of the UK overview document? How might these be overcome? Are there alternative measures which avoid these barriers?

The measures in question are:

- Infrastructure and land use planning
- Supporting sustainable transport
- Incentivising cycling and walking
- Clean air zones

Local authorities increasingly lack the funds to undertake any non-statutory activity. The crisis facing local bus funding has been set out in our recent *publication Missing the Bus?*ⁱⁱ Other forms of sustainable transport and the promotion of active travel are similarly threatened.

The absence of enforcement powers under Part 6 and Part 3 of the Traffic Management Act 2004 means that clean air zones will be unenforceable and prevents other targeted action to tackle congestion-generated pollution.

Granting powers to enforce moving traffic offences allowing councils to introduce measures for controlling the demand for town centre traffic, such as through congestion charging and workplace parking levy, and lane rental controls over streetworks are all measures which will help. Councils already take into account the additional demand for car use when providing new housing or business development through their planning function. However, this is hampered by the Government's decision that conversions of buildings from offices to residential use are no longer subject to planning permission, and therefore no longer require an air quality assessment. It is vital that Government communities have a

Incentives for the adoption of LEVs are ineffective and the pace of change from petrol/diesel to LEV is too slow. Councils have little opportunity to change this.

Globally, across the EU and nationally it is important that the industry moves rapidly towards emissions testing systems that accurately reflect real-world performance otherwise it is impossible to see how NOx emissions can be effectively tackled.

Question 6 non-transport measures- we do not intend to answer this

ⁱ <http://www.theguardian.com/environment/2015/oct/21/diesel-cars-emissions-toxic-pollution-than-a-bus-data-reveals>

ⁱⁱ <http://www.local.gov.uk/documents/10180/49932/'Missing+the+bus'+%20-+DevoNext+L15-420/e7a84be2-ff92-4d60-86c2-f7f11e67e61c>