

TRANSPORT FOR LONDON

SAFETY, HEALTH AND ENVIRONMENT ASSURANCE COMMITTEE

SUBJECT: UPDATE ON AIR QUALITY

DATE: 2 AUGUST 2011

1 PURPOSE

- 1.1 The purpose of this paper is to brief the Committee on the implementation of the Mayor's Air Quality Strategy (MAQS), including the delivery of local measures funded through the new Clean Air Fund. It also highlights a number of specific issues that have arisen recently, including the feasibility study for a central/inner London Low Emission Zone (LEZ) and air quality around schools.
- 1.2 The Committee is asked to note the paper.

2 BACKGROUND

- 2.1 In Europe, an average of eight months of life expectancy is lost due to the impact of air quality. In addition, many vulnerable people, such as children, older people and people with existing heart and lung conditions, may be restricted in the range of activities they can undertake as a result of air pollution.
- 2.2 Despite major improvements in recent years, transport in London remains a significant source of air pollutant emissions, contributing to the overall concentrations of pollutants in the air. Clean Air in London recently produced a report stating that 1,148 schools in London are within 150 metres of roads carrying at least 10,000 vehicles per day. Long term exposure to air pollutants (particularly fine particles), whether at school or elsewhere, can have an impact on the health of children, including increasing the chance of developing asthma.
- 2.3 The MAQS was published on 14 December 2010 and contained a broad range of measures to reduce emissions of both particulate matter (PM) and oxides of nitrogen (NO_x) and to deliver health benefits for Londoners. In addition to policies such as taxi age limits, further phases of LEZ, support for low emission vehicles and smarter travel initiatives, the strategy also identified the need for short-term local measures to help improve local air quality at the small number of priority locations in central London most at risk of exceeding EU limit values (see below). TfL received a £5m Clean Air Fund (CAF) from the Department for Transport (DfT) to deliver these local measures in 2011/12 at priority locations.
- 2.4 In finalising the MAQS, there was an increasingly difficult financial context and as a consequence it contains a number of unfunded proposals that TfL and the GLA have been pressing central government to fund. While £5m has been secured for CAF, no additional funding has been forthcoming for other measures (eg retrofitting buses for reduction of emissions of NO_x).

3 TIME EXTENSIONS FOR LONDON TO MEET EUROPEAN UNION LIMIT VALUES

- 3.1 The Mayor and the boroughs are legally obliged to achieve the Government's air quality objectives (the requirement on the Mayor, as put in place by the GLA Act, is stronger than that on the boroughs). The Government in turn is committed to meeting limit values set out in European Union (EU) legislation and these are also directly applicable to the Mayor and boroughs.
- 3.2 In 2010, central government applied for a time extension for London to meet the EU daily mean limit value of $50\mu\text{g}/\text{m}^3$ for PM_{10} (particulate matter smaller than 10 microns). This extension was granted, with a 50 per cent margin of tolerance on the limit values to June 2011, meaning concentrations of PM_{10} up to $75\mu\text{g}/\text{m}^3$ do not count as exceedences prior to this date. Since June, the PM_{10} limit value has reverted to $50\mu\text{g}/\text{m}^3$. Meteorological conditions were particularly adverse in relation to air quality in the first half of the year, causing serious pollution episodes in March/April. To date, in 2011 a small number of sites have reached 11 or 12 of the permitted 35 exceedences of the hourly mean limit value for PM_{10} (taking into account the margin of tolerance to June).
- 3.3 The Department for Environment, Food and Rural Affairs (Defra) is also expected to apply to the EU shortly for an extension until 2015 to the EU limit value for NO_2 of the annual mean $40\mu\text{g}/\text{m}^3$ for areas of the UK outside London. However, a formal extension will probably not be sought for London as NO_2 levels currently exceed the permitted 50 per cent margin of tolerance of the EU limit value and government modelling shows that the limit value will not be met until 2025, long after the 2015 deadline. Instead, it is likely that the Government will simply inform the EU how NO_2 levels are being reduced as quickly as possible in London. Many other European cities are experiencing similar issues. Evidence from Defra also suggests that the principal reason for this exceedence is that Euro vehicle standards (primarily for diesel cars) have not performed as well as expected.

4 THE MAYOR'S AIR QUALITY STRATEGY

- 4.1 The MAQS contains a wide range of measures to improve air quality in London, many of which relate to improvements in transport. Some have been underway for some time while others have been recently implemented and others are still being further developed or awaiting funding. At a recent meeting of the TfL Board, the Mayor highlighted some of these policies to improve air quality in London, including:
- (a) A 15 year age limit for taxis;
 - (b) Tighter LEZ standards;
 - (c) Delivery of Electric Vehicle infrastructure;
 - (d) Encouragement of uptake of low emission vehicles;
 - (e) Further improvements to the bus fleet; and
 - (f) Encouraging smarter choices and sustainable travel behaviour.

- 4.2 Additionally, there are measures specifically addressing air pollution at schools. Nearly every school in London has a School Travel Plan which promotes walking, cycling and the use of public transport by staff, parents and students when travelling to and from school. Many of the measures included in these plans have beneficial effects for local air quality, for example, by reducing the number of people travelling to school by car. The MAQS also proposes action on engine idling, with schools as one of the key focus areas.
- 4.3 All these measures are expected to improve public health by delivering significant long-term reductions in air pollutant emissions and improvements in London's air quality. However, due to the need to consult stakeholders, provide compliance time for operators and other operational practicalities, some of these policies do not come fully into force until 2012 or later.
- 4.4 Consequently, the MAQS identified the additional need for short-term local measures to help improve local air quality at the small number of priority locations in central London most at risk of exceeding EU limit values. As highlighted, TfL received a £5 million Clean Air Fund from the DfT to deliver a range of local measures during 2011/12 at priority locations.
- 4.5 This funding has been allocated to a number of measures:
- (a) Reducing engine idling;
 - (b) Targeted cleaning and application of dust suppressant to road surfaces;
 - (c) Targeted bus interventions (eg fitting of abatement equipment);
 - (d) Installing green walls or screens at priority locations; and
 - (e) Working with businesses to reduce their emissions at priority locations and to meet agreed targets.
- 4.6 Initial evidence from the extended trial of cleaning and dust suppressants has indicated that it can result in a reduction of up to 20 per cent in re-suspension of fine particles. TfL is seeking to extend implementation of these measures (and undertake further monitoring) and is in discussion with boroughs to progress this.
- 4.7 Some stakeholders have raised concerns about the local measures approach. London Assembly Member Darren Johnson, in a letter to EU Commissioner Potočník of 20 June 2011, said that these measures are being directed at areas in proximity to monitoring stations and claimed that this was intended to artificially lower readings. However, the use of these local measures was an explicit requirement of the European Commission in granting the United Kingdom a time extension for meeting the PM₁₀ limit values - not an attempt to distort the monitoring process and mislead the European Commission. The local measures have been focused on the three priority locations identified by modelling in the MAQS as the locations most at risk of exceeding the EU limit values and where health benefits will be greatest. However, it is right that TfL should also use monitoring data available to ensure that measures are directed where air quality problems are most severe.

5 OTHER ISSUES

- 5.1 The MAQS states in Policy 5 that 'The Mayor will work with boroughs to assess the

feasibility and cost effectiveness of a central London LEZ in the Congestion Charging zone.'

- 5.2 TfL published a feasibility study for a central/inner London LEZ in June 2011. A session of the Assembly Environment Scrutiny Committee was held at City Hall in June 2011, at which Members put questions to TfL, GLA Environment team and the Campaign for Clean Air in London (CCAL).
- 5.3 CCAL claimed that TfL has overstated the difficulty and expense of implementing a central London LEZ as well as failing to evaluate the health benefits of its implementation. CCAL has proposed that a trial scheme to place emissions restrictions on vehicles entering central London could be implemented before the Olympic and Paralympic Games in 2012, with the trial then developing to a full scheme. CCAL believes that this could be similar to the scheme operated in Berlin.
- 5.4 The TfL feasibility study suggests that compliance costs would be very high and such a scheme would not represent a cost effective way of tackling the issues. Furthermore, the Berlin scheme is able to operate as it does via a sticker based system rather than camera based enforcement because there is a supportive national framework in place (with stickers for different emissions classes and a requirement to display them), which is lacking in the UK. The London Assembly Environment Committee has indicated that it will write to the DfT/DVLA about the feasibility of implementing such a framework in the UK.
- 5.5 Meanwhile, the City of London has produced a report looking at the air quality impact of a range of emission reduction schemes, including a central and inner London LEZ. TfL is working with boroughs to understand their views and further assess the costs, benefits and associated issues.
- 5.6 The Localism Bill contains provisions that will enable a UK Government Minister to recoup the cost of any fines imposed by the European Court of Justice (ECJ) on it following infraction proceedings brought by the European Commission in respect of a breach of EU law, from the local or public authorities held responsible for the breach. The policy aim of the new power is to provide a strong incentive for local and public authorities to comply with their EU obligations, with the expectation that the risk of any fines in the first place would then be significantly reduced. The Mayor and TfL are within the scope of the proposed new powers. The Government is in the process of developing the administrative and policy framework to support the new power to impose financial sanctions. A draft policy statement to which the GLA and TfL have contributed indicates (among other things) that authorities will not be held responsible for breaches which were not within their power to avert, and a financial sanction will not be imposed where it would be disproportionate and the authority concerned has clearly taken all reasonable steps to bring about compliance. Financial sanctions will only be imposed if an authority demonstrably caused or contributed to the ECJ fine and can afford to pay. The Minister must also take into account any central Government's actions which may have contributed to or caused the infraction of EU law, and the Government would pay the proportion of the fine that equates to its proportion of responsibility, as a minimum.
- 5.7 As paragraph 3.3 above indicates, if the Government does not pursue a formal time extension from the European Commission regarding compliance with NO₂ limit values in the Greater London area then it is likely that there will be a breach of EU law until 2025. In the context of the difficulties faced by many other European cities it would be for the Commission to decide whether to bring infraction proceedings

against the UK Government.

6 FUNDING

- 6.1 TfL has already undertaken significant work to identify and deliver cost savings. It is vital to London's economy that core expenditure on Crossrail and the Tube upgrades is protected. Due to funding constraints, there are measures that would be beneficial to air quality that are not possible to deliver, unless additional funding is provided by central government.
- 6.2 In cases where there is a policy gap due to lack of funding, options to address or mitigate this will be considered but TfL is reliant on additional support from central government as well as national action to tackle emissions (eg through vehicle taxation policies, scrappage schemes and rail electrification). There are significant risks to London's ability to meet EU limit values for both PM₁₀ and NO₂ (as well as Mayoral targets for CO₂ reductions) if measures to improve air quality are not progressed. The Mayor and the GLA Group continue to lobby the Government for this funding.

7 NEXT STEPS

- 7.1 TfL will continue the implementation of a wide range of measures with benefits for London's air quality, with policy in general encouraging mode shift to cleaner modes and uptake of cleaner vehicles.
- 7.2 Local measures funded by the Clean Air Fund in 2011/12 will be implemented. This will help reduce PM₁₀ (and NO₂) in the areas where concentrations are highest.
- 7.3 TfL will continue to seek to raise awareness of the issues and help people take action to reduce emissions and their exposure to harmful pollutants – in line with the Parliamentary Environment Audit Committee's view of the importance of raising awareness of air quality. TfL will develop an integrated communications approach with the GLA (and stakeholders eg boroughs), linking various schemes and measures within an umbrella programme.

8 RECOMMENDATION

- 8.1 The Committee is asked to NOTE the paper.

9 CONTACTS

- 9.1 Contact: Michèle Dix, Managing Director, Planning
Email: MicheleDix@tfl.gov.uk
Telephone: 020 7126 4513
- 9.2 Contact: Richard De Cani, Director of Strategy and Policy
Email: RichardDeCani@tfl.gov.uk
Telephone: 020 7126 4104