

**defra**

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• **Department of Energy  
and Climate Change**

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**From Lord Hunt of Kings Heath**

Minister for Sustainable Development and Energy Innovation and  
Deputy Leader of the House of Lords

Dear Mark

Thank you for your letter of 14 November from your constituent Mr Birkett about the breach of Air Quality Laws in London.

My officials are in regular contact with Mr Birkett who is already aware of the action being taken to meet the limit values for particulate matter (PM<sub>10</sub>) as soon as possible. I will outline below the information that has already been provided to Mr Birkett.

The new Council Directive on Ambient Air Quality and Cleaner Air for Europe (2008/50/EC) (2008 Directive) came into force on 11 June and includes, in Article 22, an exemption from the obligation to apply the particulate matter (PM<sub>10</sub>) limit value until 2011. The UK is likely - along with a number of other European countries - to use new provisions in the Directive to apply for more time to meet the requirements in respect of PM<sub>10</sub>. Subject to public consultation in early 2009, we expect to submit an application to the European Commission for flexibility in the compliance date. This will be for the zones/agglomerations in the UK where there have been breaches of limit values since 2005, including London, and will set out measures to ensure compliance by 2011.

In June the Commission wrote to the UK Government and all Member States that reported exceedences of PM<sub>10</sub> limit values in 2006 asking us to indicate by the end of September the steps being taken in response to breaches of PM<sub>10</sub> limit values reported in 2006 in order to achieve compliance. They stated that in the absence of a notification in accordance with

Article 22 of Directive 2008/50/EC by 31 October, they intended to propose pursuing legal enforcement action in relation to the reported breaches of the PM<sub>10</sub> limit value.

We replied to the Commission by the end of September setting out our ongoing efforts to meet limit values in as short a time as possible and our timetable for submitting our application to the Commission, as set out above. Our actions to improve air quality are set out in our National Air Quality Strategy, published in 2007, which can be found on our website at

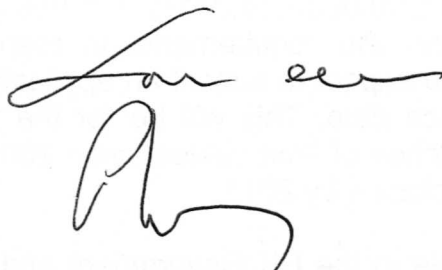
<http://www.defra.gov.uk/environment/airquality/index.htm>

For the purpose of submitting an Article 22 application the Commission has asked for very detailed and complex data to support applications from Member States. The requirements are set out in full in the Communication from the Commission and accompanying Staff Working Paper published on 26 June. This, combined with our requirement for a 12 week consultation process has determined what timetable is possible.

In the Communication, the Commission acknowledges that a majority of Member States have not yet attained the limit values for PM<sub>10</sub> limit values, and notes the importance of equal treatment when it comes to implementation of Community legislation - zones where significant efforts have been made to comply should not be put at a competitive disadvantage. We understand that a number of Member States will be proposing to the Commission a similar timetable to ours. To date we have received no response from the Commission to our September reply. In the meantime we are pressing on with work to complete the application in preparation for consultation.

London is the only area of the UK where we expect a challenge in meeting the 24-hour mean limit value by 2011, and we are working with the Greater London Authority to ensure that the limit value is met by 2011. Gathering all the information necessary on pre-2005 measures and existing and planned measures is a time consuming process if we are to tackle air pollution in a comprehensive way.

The Commission has committed to assessing Article 22 applications with 9 months of receipt. To be successful an application must demonstrate how limit values will be achieved by 2011 in all areas where there have been breaches since 2005.



**LORD HUNT OF KINGS HEATH**