

CAMPAIGN FOR CLEAN AIR IN LONDON

“The cross-party campaign to achieve urgently and sustainably at least World Health Organisation recommended standards of air quality throughout London”

Campaign website: www.cleanairinlondon.org

Boris Johnson
Mayor of London
Greater London Authority
City Hall
The Queen’s Walk
More London
London SE1 2AA

By email: MTS@london.gov.uk

11 January 2010

Dear Mayor Johnson

The draft Transport Strategy is not yet ‘fit for purpose’. The same is true of the Mayor’s draft: Air Quality Strategy; Economic Development Strategy; Health Inequalities Strategy; and London Plan

Mayor’s strategies fail to grasp the magnitude or urgency of the public health crisis caused by poor air quality in London. Mayor is taking ‘one or two steps backwards’ on air quality when ‘one or two bold steps forward’ are required. Mayor would need to be ‘several steps ahead’ before considering, in any way, weakening the WEZ or delaying Phase 3 of the LEZ

Mayor should announce immediately WEZ will remain and Phase 3 of LEZ will go ahead as planned in October 2010 unless a fully offsetting and substantial further package of air quality measures are implemented simultaneously with removal of WEZ and/or delay of Phase 3 of LEZ

I am writing on behalf of the cross-party Campaign for Clean Air in London (CCAL) to respond to the consultation on the Mayor’s draft Transport Strategy (TS) which closes on 12 January 2010. Thank you for the opportunity for do so. The full consultation document can be seen at:

[http://mts.tfl.gov.uk/Read-the-strategy/Download-the-full-strategy-\(1\).aspx](http://mts.tfl.gov.uk/Read-the-strategy/Download-the-full-strategy-(1).aspx)

Details of CCAL’s Mission and a list of its supporters can be found at www.cleanairinlondon.org.

CCAL supports strongly (except if in conflict with this letter in which case this letter prevails): all the comments made by the Campaign for Better Transport, ClientEarth, Environmental Protection UK and Friends of the Earth in their responses to this consultation; the 65 Recommendations submitted previously by CCAL to your environment team (attached); and the cross-party report published by the Environment Committee of the London Assembly on 1 May 2009 titled ‘Every Breath You Take’ which can be seen at:

<http://www.london.gov.uk/assembly/reports/environment/air-quality-report-200904.pdf>

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CCAL has responded separately to the Mayor’s draft: Air Quality Strategy (AQS); Economic Development Strategy (EDS); Health Inequalities Strategy (HIS); and London Plan. Those responses are referred to in more detail later in this letter. The various attachments to this letter form an integral part of CCAL’s response to this consultation on the draft TS.

CCAL hopes that the Mayor will give proper consideration to the responses to the consultation on the draft TS, and take into account intervening events (e.g. the recent decision by the European Commission to reject the UK’s application to delay compliance with the limit values for dangerous airborne particles (PM₁₀)), in order to produce a robust and realistic plan for tackling the Capital’s pollution. In the absence of clear action to provide a proper response to the consultation exercise, CCAL reserves the right to launch a challenge in the Administrative court.

Please consider carefully all the above submissions and include all their recommendations in the Mayor’s TS. You will be aware that the Mayor’s strategies must be consistent between one another as well as each being adequate and properly prepared in its own right.

Summary

CCAL has reviewed in detail and responded formally to each of the Mayor’s draft: Air Quality Strategy; Economic Development Strategy; Health Inequalities Strategy; and London Plan. This letter together with its attachments comprises CCAL’s main response to the Mayor’s draft Transport Strategy.

In CCAL’s view, the strategies individually and collectively fail to grasp in their analysis, policies or proposals the magnitude or urgency of the public health crisis caused by poor air quality in London. Furthermore, but particularly the draft AQS and the draft TS, these strategies fail to include an adequate environmental assessment of the likely impact of key measures such as the removal of the Western Extension of the congestion Charging Zone (WEZ) and/or the delay of Phase 3 of the London low emission zone (LEZ). In CCAL’s carefully considered view, therefore, none of the above mentioned strategies are yet ‘fit for purpose’.

CCAL opposes the removal of the WEZ and/or the delay of Phase 3 of the LEZ. CCAL has reached this view *inter alia* because:

1. the WEZ is a good measure in its own right. While not primarily intended to be a mechanism to reduce harmful emissions, even the Mayor’s own, limited analysis, indicates that air quality would be adversely affected by its removal *per se*. CCAL considers that the WEZ could be improved by the adoption of dynamic road pricing, although this seems to have been ruled out by the Mayor;
2. Phase 3 of the LEZ is a good measure in its own right. As a mechanism intended to tackle directly harmful emissions, even the Mayor’s own, limited analysis, indicates that air quality would be adversely affected by its removal *per se*. In fact, earlier analysis by TfL suggested that Phase 3 of the LEZ would protect over 15% of those worst affected by poor air quality. CCAL considers it could be improved by the introduction and faster tightening of one or more additional

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inner LEZs combined perhaps with the slower (all other things being equal) tightening of the current outer LEZ;

3. CCAL has seen no credible package of mitigation measures to ameliorate the impact on air quality of the removal of the WEZ and/or Phase 3 of the LEZ. Those that are included are largely unspecified, unquantified, untested and likely to be small or even *de minimus* in effect;
4. the draft TS fails to address the scale or urgency of the air quality challenges in London and includes no adequate assessment of the environmental impact of removing the WEZ or delaying Phase 3 of the LEZ. CCAL finds it extraordinary that no modeling of air pollutant concentrations is included at this stage of the consultation process;
5. after failing to find details of local air pollution concentrations, CCAL has undertaken its own analysis and produced persuasive evidence that the daily limit value for PM₁₀ would be breached in west London (even in a wet, mild year) if the WEZ is removed in the manner proposed. Such an event would put the Secretary of State (SOS) for Environment Food and Rural Affairs (Defra) in breach of his statutory duty to ensure limit values are not exceeded once attained. CCAL has copied this letter therefore to the SOS effectively putting him on notice, again, of this issue; and
6. in CCAL’s view, the Mayor is taking ‘one or two steps backwards’ on air quality when ‘one or two bold steps forward’ are required. Mayor would need to be ‘several steps ahead’ before considering, in any way, weakening the WEZ or delaying Phase 3 of the LEZ.

With the Mayor’s strategies and thinking seemingly still so far adrift from public health and legal realities, they clearly require substantial reworking and fresh public consultation(s). It seems most unlikely therefore that the Mayor and/or Transport for London (TfL) will be able to complete the necessary steps to delay Phase 3 of the LEZ by October 2010 and/or the remove the WEZ by the end of 2010.

CCAL therefore urges the Mayor to announce immediately that the WEZ will remain and Phase 3 of the LEZ will go ahead as planned in October 2010 unless a fully offsetting and substantial further package of air quality improvements are implemented simultaneously with the removal of the WEZ and/or the delay of Phase 3 of the LEZ. An expeditiously executed ‘handbrake turn’ now by the Mayor is better than last minute chaos and confusion.

In CCAL’s view, the Mayor cannot keep taking adverse decisions and expect them not to have consequences when long standing deadlines requiring action from him start to ‘bite’. London needs urgently a major package of systematic measures to improve air quality in a sustainable manner.

Legal action by the European Commission to protect the health of Londoners

As you know, in order to protect public health, legally binding limit values were due to be met for dangerous airborne particles (PM₁₀) by 1 January 2005 and nitrogen dioxide (NO₂) by 1 January 2010. The European Commission announced on 11 December 2009 that it had rejected the UK’s application to

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delay until 11 June 2011 compliance with limit values for PM₁₀ in London. The Commission’s decision can be seen at:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1908&format=HTML&aged=0&language=EN&guiLanguage=en>

As you know, no time extension is possible for the annual limit value for PM₁₀ (since it was attained in 2008 (and 2009) and must not now be exceeded). The daily limit value for PM₁₀ must be met finally in 2010 having been breached every year since 2005. The European Commission has already launched legal action over earlier breaches with the prospect of large fines.

In CCAL’s view the: rejection by the European Commission of the UK’s application to delay compliance with the daily limit value for PM₁₀ in London; and the imminent breach in London – within days of the new law entering into force – of the hourly limit value for NO₂, is a loud wake-up call to the government and the Mayor to improve urgently air quality and protect public health. The European Commission judged that the air quality plan for London did not even meet the ‘minimum requirements’ for a time extension.

CCAL considers the ‘rejection’ of the time extension negates a fundamental assumption in the draft TS i.e. the statement in paragraph 5.19.2 on page 212: “The Government is in the process of agreeing a time extension to the deadlines for meeting these limits to 2011 for PM₁₀ [and 2015 for NO₂]”. Please therefore amend the draft TS to bring it fully in line now with the requirements of air quality laws i.e. full compliance in calendar 2010 with: the daily limit value for PM₁₀; and, as a priority, annual mean concentrations of NO₂ no greater than 60 micrograms per cubic metre (µg/m³).

Monitored levels of air quality in London in 2009

CCAL is concerned that there were substantial breaches of health based air quality laws in London in 2009. CCAL is also concerned that the Mayor and TfL’s strategic thinking on air quality needs to be updated substantially to take account of the government’s new approach to air quality monitoring.

New government approach to air quality monitoring meant fewer breaches in 2009 and more in future

The government’s new approach to monitoring PM₁₀ has reduced sharply the number of previously observed exceedances for PM₁₀ in London (e.g. from an annual mean of 42 µg/m³ and 110 exceedances to 36 and 39 respectively in Marylebone Road in 2009).

In an excellent presentation given by David Green of King’s College London at the Royal Society of Chemistry conference in December 2009, he explained that the government’s new approach will result in: a “reduction in breaches of the limit values for PM₁₀ during normal years at most sites” (i.e. heavily trafficked location in central London for the annual limit value and roadside sites in London and heavily trafficked roadside sites outside London); and “during years such as 2003 widespread areas of the south east UK [are] likely to breach [the] daily limit value”. David Green commented that the former can “continue to be tackled with a mix of international, national, regional and local abatement measures” whereas the latter “represents a different challenge for air quality management i.e. local and national

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abatement will not impact of long range transport episodes and requires reduction in precursor emissions of VOCs, NO_x, SO₂ and NH₃. CCAL urges you and others to consider carefully the significance of that information since air quality laws apply as much in hot weather (e.g. 2003 and 2006) as they do in mild, wet weather (e.g. 2009, which saw relatively few exceedances).

The Mayor’s climate change strategy anticipates increasing temperatures and the AQS and MTS must be consistent with that view i.e. they must address the prospect of widespread air quality breaches in hot weather and ameliorate them.

Monitored air pollution in inner London in 2009

From a health perspective, in 2009, annual mean NO₂ in Marylebone Road, Kings Road, Cromwell Road and Brompton Road was well over double the WHO’s maximum recommended level (except in King’s Road) with peak levels occurring up to 30 times more often than the WHO’s maximum recommended frequency for an hour of exposure. Full details of these monitoring sites can be found on the excellent London Air Quality Network (LAQN) (www.londonair.org.uk). Clearly, such levels of air pollution are totally unacceptable. Appendix 2 shows monitored NO₂ and PM₁₀ at Brompton Road, Cromwell Road, King’s Road and Marylebone Road from 2005 to 2009 inclusive.

Air pollution in Brompton Road in 2009, for example (as a proxy for similar sites in the WEZ area), was close to the highest levels recorded since regular monitoring began here. According to the LAQN, annual mean NO₂ in 2009 was 88 micrograms per cubic metre (µg/m³) (compared to the highest recorded peak of 95 µg/m³ in 2006 and the lowest level of 83 µg/m³ when regular monitoring began in 2001). Hourly maximum recommended exposure levels for NO₂ were exceeded on 341 occasions in 2009 (compared with the previous peak of 518 exceedances in 2008 and (again) the lowest recorded of 97 exceedances when monitoring began in 2001). These compare with WHO standards, backed by EU and UK laws, of 40 µg/m³ and 18 exceedances respectively.

For detailed results in inner London for 2009, see:

Brompton Road in 2009:

http://www.londonair.org.uk/london/asp/publicstats.asp?statyear=2009&mapview=all®ion=0&site=KC3&postcode=&la_id=&objective=All

Cromwell Road in 2009:

<http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&bulletin=&site=KC2&postcode=&statyear=2009&mapview=all&objective=All>

King’s Road in 2009

<http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&bulletin=&site=KC4&postcode=&statyear=2009&mapview=all&objective=All>

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Marylebone Road in 2009

<http://www.londonair.org.uk/london/asp/publicstats.asp?region=0&bulletin=&site=MY1&postcode=&startyear=2009&mapview=all&objective=All>

You will be aware that London has the highest annual mean concentrations of NO₂ of any capital city in western or eastern Europe. See: <http://www.urbandaudit.org/rank.aspx>.

Appendix 1 includes links to the national air quality archive results for exceedances of all EU limit values in 2009. You will see that many cities and towns breached the annual mean limit value for NO₂.

Limit values must be attained and not exceeded once attained

You will be aware that Article 2 of the new EU directive on ambient air quality and cleaner air for Europe (and earlier directives) defines a limit value as:

“limit value” shall mean a level fixed on the basis of scientific knowledge, with the aim of avoiding, preventing or reducing harmful effects on human health and/or the environment as a whole, to be attained within a given period and not to be exceeded once attained.

The directive can be seen at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:152:0001:0044:EN:PDF>

CCAL’s carefully considered view, is that the removal of the WEZ (even in a mild, wet year never mind a hot year) would result in the daily limit value for PM₁₀ being exceeded having been attained at or near the Brompton Oratory in Thurloe Place. Similar exceedances would be likely elsewhere in the WEZ. CCAL has found no credible mitigation measures in any of the Mayor’s strategies which would offset this impact simultaneously upon removal of the WEZ.

CCAL therefore submitted a Freedom of Information/Environmental Information request to the Mayor/TfL to ascertain what modeling of air pollutant concentrations had been done for major roads that would be affected by the removal of the WEZ. In a reply dated 20 November 2009, TfL admitted that its modeling relied upon an “estimated ‘area-wide’ traffic change factor”. Concentration modeling may be undertaken in advance of a consultation on a Variation Order.

Not satisfied with TfL’s lack of analysis at the current stage of the consultation process, CCAL has undertaken its own analysis of air pollution concentrations in the WEZ area using data from the Brompton Road and Cromwell Road monitoring stations as a proxy for other local areas. This required detailed analysis since PM₁₀ is not monitored at the Brompton Road monitoring station.

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CCAL calculates from Appendix 3 that annual mean PM₁₀ at the Brompton Road monitoring station in 2009 was:

$$\text{Annual mean PM}_{10} = (\text{Annual mean NO}_2 - 8.10)/2.16 = 37.0 \mu\text{g}/\text{m}^3$$

and from Appendix 4 that there were:

$$\text{PM}_{10} \text{ exceedances} = 4.40 \times \text{Annual mean PM}_{10} - 109 = 53 \text{ exceedances}$$

As you will be aware, no more than 35 exceedances are permitted in a calendar year.

Two points are clear from this analysis. First, monitored levels of annual mean and daily mean PM₁₀ in Cromwell Road were below the limit values in 2006, 2007, 2008 and 2009 having exceeded the daily limit value in 2005. Second, somewhere between the Natural History Museum and the north end of Sloane Street, the daily limit value for PM₁₀ was [just] attained in 2009 before being exceeded by an increasing amount towards the north end of Sloane Street. CCAL estimates that the ‘cross-over’ occurred at or near the Brompton Oratory in Thurloe Place.

As you will appreciate, with no breaches of attained limit values permitted, this analysis indicates that the WEZ may not be removed without – at a minimum – full offsetting measures simultaneously to protect public health (none of which seem to be planned by the Mayor).

Comments on Policies and Proposals in the draft Transport Strategy

In CCAL’s considered view, the draft TS is not yet ‘fit for purpose’, primarily for failing to address adequately the health and legal issues set out above and elsewhere in this letter.

CCAL urges the Mayor to define a bold vision for his TS around: seeking a reduction in hazardous concentrations of air pollutants to the point they do not harm human health; and compliance forthwith in full with air quality laws. The TS needs also to define clearly responsibility, authority and accountability for the delivery of his TS. ‘Wedges’ should be used to show graphically how and when air quality concentrations will be reached.

CCAL has already encouraged you and your air quality team, in its formal response to the Mayor’s draft AQS, to: include much more ambitious policies and proposals in the draft AQS to protect public health and ensure full compliance with air quality laws; specify precisely the policies and proposals that are included; and back the policies and proposals with unambiguous, robust and fully funded commitments. In addition to the foregoing, CCAL has *inter alia* the following detailed comments on the policies and proposals on the draft TS:

Policy 4 and Proposal 127: Proposed removal of the Western Extension of the Congestion Charging Zone

Policy 4 is proposed to be implemented through Proposal 127, namely: ‘The Mayor, through TfL, subject to consultation, will remove the Western Extension of the central London Congestion Charging Zone

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(WEZ) after putting in place such measures in mitigation of negative impacts as are both desirable and practicable.

CCAL objects to the removal of the Western Extension of the central London Congestion Charging Zone.

CCAL’s objects to this Proposal, *inter alia*, because:

1. the removal of the WEZ is expected to increase PM₁₀ emissions and emissions of oxides of nitrogen (NO_x) by 4 to 8% (365 days, 24 hours) (see Table 3.3 in paragraph 3.3.7 of the ‘Draft Revised Mayor’s Transport Strategy Integrated Impact Assessment: Appendix E: Report on the The Removal of the Western Extension Zone’). See:

http://mts.tfl.gov.uk/App_Themes/sup_doc/Appendix%20E%20Report%20on%20the%20Removal%20of%20the%20Western%20Extension%20Zone.pdf

The Mayor’s draft AQS anticipates reductions in PM₁₀ emissions from road transport in central London by only 25-30% by 2012 from 2006 levels and 40% by 2015 and from all sources in central London by 20-25% and 30-35% respectively.

The Mayor’s draft AQS anticipates reductions in emissions of oxides of nitrogen (NO_x) from road transport in Greater London by only 60-65% by 2015 from 2006 levels and 35-40% by 2015 and from all sources in Greater London.

Against this background, CCAL considers it unreasonable and misleading of the Mayor to dismiss the impact of removing the WEZ by saying (in paragraph 720 of section 5.25.5 on page 251) “Possible increases in air quality pollutant emissions arising from additional traffic (which are very small in the context of London as a whole)”.

Emission reductions achieved by the WEZ of 4-8% are very substantial (e.g. around one-quarter) when judged more reasonably against the total, currently planned, emission reductions in central London by 2012). Furthermore, it seems deeply flawed for the Mayor to focus on average London-wide impacts when some of the worst air quality in London is causing prematurely deaths within the WEZ area;

2. health based air quality laws for PM₁₀ (and NO₂ imminently) are being breached in the WEZ area as CCAL has explained earlier in this letter. The EU directive for ambient air quality and cleaner air for Europe (and earlier versions) is very clear in defining a limit value as a level to be attained with a given period and not to be exceeded once attained. This is an absolute requirement.

In CCAL’s view therefore, the removal of the WEZ – with the return of currently deterred traffic to the WEZ area would inevitably result in an increase, small or large, in the area in west London breaching the daily limit value for PM₁₀. CCAL has provided a detailed analysis earlier in this letter of the situation in Thurloe Place, which is likely to be repeated in other parts of west London.

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In CCAL’s view, the removal of the WEZ, unless simultaneously and fully offset by mitigating measures, would breach air quality laws and put the SOS for Defra in breach of his statutory duties under the Air Quality Standards Regulations;

3. CCAL has seen no evidence from the Mayor of credible measures to mitigate in full the impact of removing the WEZ;
4. CCAL has seen no credible environmental impact assessment for the proposed removal of the WEZ;
5. CCAL has seen no evidence that the Mayor has a package of measures to address the scale or urgency of the air quality crisis in London;
6. a cynic might say that the informal consultation on the WEZ in late 2008 was designed to confuse and split support for the WEZ by offering removal versus (i) keep or (ii) keep and modify. CCAL is therefore being unequivocal now to avoid such possible confusion; and
7. CCAL advocates the principles of road user charging or demand management to reduce congestion, preferably through a fair system of dynamic road pricing.

CCAL would welcome fresh proposals in due course from the Mayor to build constructively upon the current WEZ e.g. through dynamic road pricing (such as ‘tag and beacon’ or its equivalent).

Policy 15 and Proposal 94: Delay of Phase 3 of the London low emission zone

Policy 15 is proposed to be implemented through Proposal 94 (b), namely: ‘The Mayor will defer the implementation of phase three of the [London low emission zone (LEZ)] scheme covering LGVs and minibuses (which was due to commence in [October] 2010 to 2012’.

CCAL objects to the delay of Phase 3 of the LEZ. CCAL notes that TfL would need a Variation Order to defer phase three of the LEZ to 2012.

CCAL’s objects to this Proposal, *inter alia*, because:

1. the proposal “weakens the effectiveness of the LEZ’s contribution to air quality improvement in the period 2009-2010 and has, accordingly, an **adverse** effect on air quality” (see C3 ‘Improve air quality and the noise climate across London’ on page 25 of the ‘Draft Revised Mayor’s Transport Strategy Integrated Impact Assessment: Appendix F: Report on the Assessment of the Proposal to Defer LEZ Phase 3 from 2010 to 2012’). See:

http://mts.tfl.gov.uk/App_Themes/sup_doc/Appendix%20F%20Assessment%20of%20Proposal%20to%20Defer%20LEZ%20Phase%203%20from%202010%20to%202012.pdf

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The same C3 goes on to say:

- *Given the limited timeframe of such deferment and the role which natural vehicle replacement will continue to have in promoting reductions in emissions of air quality pollutants over the deferral period, this impact of the proposal is assessed to be adverse relative to the option of retaining Phase 3 introduction in 2010 and **minor** in magnitude. Under the option of not introducing Phase 3 at all, the adverse impact would be greater.*
- *The severity or scale of this potential negative impact for London’s air quality could, in principle, be offset by the wider suite of policies and proposals in the Draft Revised MTS and the Draft MAQS, which will have a positive impact in reducing emissions to air. The scale of such measures will need to be sufficient to compensate for the lost reduction in emissions arising from LGVs brought about by the deferral of Phase 3 during the deferral period and be effective in this early period. The measures in the emerging Draft MAQS will also be important in delivering a contribution to this compensation for the loss of reduction in PM₁₀ and NOx emissions that Phase 3 2010 would have delivered. This is significant from multiple perspectives, not least compliance with EU/UK air quality legislation and targets and meeting the Government’s commitments to the European Commission.*

CCAL considers such comments fail to take proper account of the Mayor’s responsibility to protect health and seek compliance with air quality laws;

2. CCAL has found no quantification of the impact of delaying Phase 3 of the LEZ on: air pollutant concentrations; emissions; or the number of people and the area exposed to breaches of air quality laws. This is in stark contrast to the original consultation on the introduction of the LEZ which showed such information for ‘Variant 1 in Annex A – Summary of projected impacts on emissions, exceedances and population exposure’ in ‘Scheme Description and Supplementary Information, Public and Stakeholder Consultation, November 2006’. See

<http://www.tfl.gov.uk/assets/downloads/roadusers/lez/lez-supplementary-information-november2006.pdf>

Annex A showed clearly that Phase 3 of the LEZ was expected to reduce by between 4.6% and 7.8% the number of people worst effected by poor air quality in London in 2010 and by between 16.1% and 17.8% respectively in 2012.

CCAL considers it irresponsible of the Mayor to be delaying or losing such significant public health benefits. Please refer to the letters previously written to the Mayor by CCAL about the public health crisis in London caused by poor air quality (attached);

3. CCAL has seen no evidence from the Mayor of credible measures to mitigate in full the impact of delaying Phase 3 of the LEZ;
4. CCAL has seen no credible environmental impact assessment for the proposed removal of Phase 3 of the LEZ;

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5. CCAL has seen no evidence that the Mayor has a package of measures to address the scale or urgency of the air quality crisis in London;
6. a cynic might say that the Mayor’s suspension of Phase 3 of the LEZ was mischievous or worse while the government was seeking a time extension from the European Commission to comply with limit values for PM₁₀ (and had included details of that measure in its application). The subsequent proposal from the Mayor to delay Phase 3 to 2012 (i.e. beyond the final date for compliance if a time extension could have been obtained by the government) was commented upon recently by the National Audit Office in its hard-hitting report on compliance with air quality laws in the UK; and
7. CCAL supports the “polluter pays” principle to reduce hazardous emissions and improve air quality.

CCAL believes that you and your advisers are well aware of CCAL’s proposal for one or more additional low emission zones in inner London. Please say if you wish further detail.

Next steps

With the Mayor’s strategies and thinking seemingly still so far adrift from public health and legal realities, they clearly require substantial reworking and fresh public consultation(s). It seems most unlikely therefore that the Mayor and/or Transport for London (TfL) will be able to complete the necessary steps for the delay of Phase 3 of the LEZ by October 2010 or the removal of the WEZ by the end of 2010.

CCAL therefore urges the Mayor to announce immediately that the WEZ will remain and Phase 3 of the LEZ will go ahead as planned in October 2010 unless a fully offsetting and substantial further package of air quality improvements are implemented simultaneously with the removal of the WEZ and/or the delay of Phase 3 of the LEZ. An expeditiously executed ‘handbrake turn’ now by the Mayor is better than last minute chaos and confusion.

In CCAL’s view, the Mayor cannot keep taking adverse decisions and expect them not to have consequences when long standing deadlines requiring action from him start to ‘bite’. London needs urgently a major package of systematic measures to improve air quality in a sustainable manner.

Responses submitted to consultations on the Mayor’s other strategies

In CCAL’s carefully considered view, none of Mayor’s current draft: Air Quality Strategy; Economic Development Strategy; Health Inequalities Strategy; or London Plan are yet ‘fit for purpose’. CCAL has submitted recently detailed comments to those consultations. They are attached, repeated and applicable also to this consultation on the Mayor’s draft TS. Key comments have included:

1. CCAL urges Mayor Johnson to treat air quality at least as robustly as climate change in the draft London Plan and all relevant initiatives (e.g. annual independent reviews of performance etc).

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The Climate Change Act 2008 provides an excellent model for such an approach. CCAL urges the Mayor to address air pollution holistically (i.e. air quality and climate change issues). The draft London Plan should either include a whole separate Chapter on ‘Air quality’ (mirroring that on Climate Change) or include ‘Air quality’ with ‘Climate change’ in an ‘Air pollution’ Chapter. Both issues involve health risks, require emission and concentration reductions etc;

2. CCAL has the gravest reservations about the form of the Strategic statement in Policy 7.14 of the draft London Plan on ‘Improving air quality’ (on page 183) i.e. “The Mayor **will work with** strategic partners **to ensure** that the spatial, climate change, transport and design **policies** of this plan **support implementation** of his Air Quality Strategy **to achieve reductions** in pollutant emissions and public exposure to pollution” [CCAL emphasis];
3. CCAL considers that the: circularity; multiple conditionality; vagueness; and general dependence on others of the crucial overarching strategic statement for Policy 7.14 on ‘Improving air quality’ makes it worse than worthless. In CCAL’s view, it is such a poor strategic statement that it risks undermining any significant effort to improve air quality in Greater London;
4. in stark contrast, the Strategic statement for Policy 5.1 of the draft London Plan on ‘Climate change mitigation’ says “The Mayor seeks to achieve an overall reduction in London’s carbon dioxide emissions [CO₂] of 60% (below 1990 levels) by 2025. It is expected that regional agencies, London boroughs and other organisations will contribute to meeting this strategic reduction target, and the GLA will monitor progress towards its achievement annually”;
5. CCAL notes that it is likely to be easier, in general, for the Mayor to achieve – within his existing powers – full compliance with limit values for PM₁₀ and PM_{2.5} and/or NO₂ than achieve his target reductions in CO₂ emissions;
6. CCAL urges Mayor Johnson to adopt wording similar to that included in its submission (dated 3 December 2006) to Mayor Livingstone’s consultation on his draft London Plan i.e.:

“The Mayor will and the boroughs should seek to achieve full compliance with air quality laws in London and protect the public from the health effects of poor air quality. The Mayor will work with strategic partners and the London boroughs to implement successfully the Mayor’s Air Quality Strategy and this plan to achieve reductions in pollutant emissions and concentrations and public exposure to air pollution. He will do this by:

- i. *publishing before the start of each calendar year indicative annual ranges for the concentration of air pollutants (e.g. NO₂, PM_{2.5} and PM₁₀) within each London borough for that year [i.e. like the carbon account in the Climate Change Act];*
- ii. *an annual progress report by an independent advisory committee on air quality (AQC) to be submitted to the Mayor and the London Assembly within 15 months of the period end [i.e. for instance the 2009 report must be laid by 31 March 2011]; and*

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- iii. *a report by the Mayor in response to the AQC’s annual progress report within three months of him receiving it.*
7. more generally in respect of Policy 7.14 of the draft London Plan (and where relevant elsewhere within the draft London Plan), CCAL supports firmly the required benchmarking of biomass against gas, urges the Mayor to require air quality-positive development (e.g. consistent with his observed 30% reduction in CO₂ emissions in new buildings) and tighten all proposed air quality measures which together still fall far short of what is required to protect public health and comply with air quality laws in London;
 8. CCAL considers that Chapter 6 of the draft London Plan should include a separate policy on ‘Reducing traffic emissions’. CCAL has written to the Mayor before explaining that transport measures ‘fall into’ two overlapping circles: with one tackling congestion; and the other tackling harmful emissions (including CO₂). In this regard, and where relevant elsewhere within the draft London Plan, the Mayor should commit to introduce quickly one or more inner low emission zones and build upon the current outer low emission zone by introducing Phase 3 no later than 1 June 2011 (even if one or more additional inner LEZs are implemented earlier). The Mayor should also commit now to keep the western extension of the congestion charging zone;
 9. in respect of Policy 4.1 of the draft London Plan ‘Developing London’s economy’, CCAL has responded recently to the Mayor’s draft EDS expressing concern to see in the analysis within Proposal 2C confirmation that London was seen to rank 27th in 2008 for ‘Freedom from pollution’ in its attractiveness to business. CCAL urges the Mayor therefore to give higher and proper priority to ensuring full compliance with air quality laws in London in order to improve London’s ‘attractiveness’ and therefore its economic competitiveness (as well as protecting public health);
 10. the draft TS, draft EDS and the draft London Plan do not appear to have taken proper account, explicitly or implicitly, of the direct and/or societal costs of poor air quality. CCAL has estimated that the societal costs of exposure to dangerous airborne particles alone were between £1.02 billion and £2.6 billion in London in 2005 (see Appendix 3A attached). Further explanation of these costs is set out in other attachments to this letter;
 11. CCAL was pleased to see the draft EDS acknowledges explicitly, in Proposal 2H (paragraph 2.35), ‘The Mayor has a duty to address health inequalities and the determinants of health in London and to improve the health of Londoners’. CCAL was pleased to see also an explicit reference to air quality in paragraph 2.35 within Proposal 2H of the draft EDS and firm commitments in Policy 2 of the draft London Plan. However, these seem to be virtually the only material references to these important matters which should be ‘threaded’ throughout the draft London Plan (i.e. not limited to a ‘silo’);
 12. in respect to Policy 3.2 of the draft London Plan ‘Addressing health inequalities’, CCAL has responded recently to the Mayor’s draft HIS expressing concern that it underestimates substantially the quantum of the health impact due to poor air quality in London. In particular, it

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states on page 82 “In 2005 it was predicted that particulate matter (PM₁₀) pollution in London caused 1,031 premature deaths and another 1,088 hospital admissions”. As the attached letters and other submissions show, the real number of premature deaths in London in 2005 due to exposure due to PM_{2.5} alone was at least 3,500 and may have been as high as 7,900 with each such death being, on average, 10 years early;

13. further, the draft HIS and/or the draft London Plan include no meaningful estimate of the impact on health and/or racial inequality of poor air quality. In this respect, CCAL urges the Mayor to consider for example the evidence prepared for Defra in respect of its application in 2009 to delay compliance with air quality laws for PM₁₀ (attached);
14. in respect to Policy 2.4 of the draft London Plan ‘The 2012 Games and their legacy’, the draft London Plan does not take proper account of the negative impact on London’s economic competitiveness and/or ‘brand’ of continued non-compliance with air quality laws in the run-up to the Olympic and Paralympic Games 2012 (and more generally). Lord Berkeley explained the seriousness of this failing in a speech in the House of Lords on Tuesday 5 January 2010. See:

<http://www.theyworkforyou.com/lords/?gid=2010-01-05a.118.0> ; and

15. having omitted the above information and analysis from the draft TS, draft AQS, draft EDS, draft HIS and/or draft London Plan, these draft strategies cannot reasonably be said to have taken proper account of such matters in developing appropriate strategies for London. You will be aware of the requirements under the GLA Act, inter alia, for the Mayor’s strategies to be consistent with one another.

In CCAL’s view, the Mayor’s draft TS, draft AQS, draft EDS, draft HIS and draft London Plan before being finalised, must each take full and proper account of the above points and the evidence submitted in, and attached to, this submission.

Other

CCAL comments further that:

1. some of the Mayor’s statements during current consultations (e.g. about categorically removing the WEZ by the end of 2010 and refusing to countenance new road pricing schemes while he is Mayor) have been irresponsible and in conflict with statements in formal consultation documents;
2. CCAL urges the Mayor and TfL to consider the excellent work done with CCAL by Edward Townes which analysed the DfT’s latest emission factors to compare the air quality and climate change impact at 5 mph and 20 mph of diesel and petrol for different vehicle classes. This was submitted with CCAL’s comments on the draft AQS;
3. CCAL is concerned that the Mayor may have fundamentally misunderstood the purpose and basis for the air quality limit values, especially for dangerous airborne particles. It would be wrong of

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the Mayor, for example, to think of a need to tackle (just) a few air quality hotspots on a few troublesome days.

First, the limit values are only set at such high levels (i.e. well above the maximum safe level of short or long exposure recommended by the WHO) because they are required to be achieved ‘everywhere’ i.e. thereby delivering public health benefits not just at hotspots but much more widely to ensure that limit values will not be breached at hotspots.

Secondly, with long term exposure to air pollution causing up to a 10 fold greater health impact than the short term impact it is important to deliver sustainable long term reductions in air pollution at hotspots and across the whole population not just on alert days.

Thirdly, the Mayor’s plans for localised and/or emergency action around hotspots seem poorly thought through and similar measures have been rejected by other cities such as Berlin. London needs substantial systematic measures, like the WEZ and the LEZ, to reduce poor air quality throughout the year rather than adhoc, chaotic, last minute measures like odd and even number plate bans as currently looks inevitable (unless the Mayor changes tack); and

4. the Mayor does not seem yet to have a sustainable solution to the transport challenges of 2012 as Lord Berkeley has recently highlighted.

Please acknowledge receipt of this letter to the email address provided separately and respond to CCAL on the main points raised in this letter.

With best wishes.

Yours sincerely

Simon Birkett
Founder and Principal Contact
Campaign for Clean Air in London

Enclosures

Cc: By hand:

Winston Fletcher, Chair, The Knightsbridge Association
Carol Seymour-Newton, Honorary Secretary, The Knightsbridge Association

Cc: The Rt. Hon. Hilary Benn MP, Secretary of State for Environment Food and Rural Affairs
The Rt. Hon. Lord Andrew Adonis MP, Secretary of State for Transport
The Rt. Hon. Ed Miliband, Secretary of State for Energy and Climate Change
The Rt. Hon Andy Burnham, Secretary of State for Health

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Jim Fitzpatrick MP, Minister for Air Quality

ORGANISATIONS

Helen Ainsworth, EU and International Air Quality, Defra

Jenny Bates, London Regional Campaigns Co-ordinator, Friends of the Earth

Patricia Brown, Chief Executive, Central London Partnership

The Lord Coe

Peter Daw, Interim Strategy Manager (Air Quality, Energy and Climate Change), GLA

Isabel Dedring, Environment Adviser to the Mayor of London

Louise Duprez, EU Policy Unit, European Environmental Bureau

Rupert Furness, DfT

Daniel Instone, Defra

Dame Judith Mayhew, Chair, New West End Company

Daniel Moylan, Deputy Chair, Transport for London

Philip Mulligan, Chief Executive, Environmental Protection UK

Derek Picot, Chairman, The Knightsbridge Business Group

The Lady Valentine, Chief Executive, London First

Dr Martin Williams, Senior Reporting Officer, Atmospheric Quality and Industrial Pollution, Defra

Tim Williamson, Deputy Senior Reporting Officer, Defra

LEADING POLITICIANS

Jean Lambert MEP, Green

Baroness Ludford MEP, Liberal Democrat

Claude Moraes MEP, Labour

Charles Tannock MEP, Conservative

Gareth Bacon AM, Conservative, London Assembly Member

James Cleverly AM, Conservative, Environment Committee, London Assembly

Roger Evans AM, Conservative, Environment Committee, London Assembly

Nicky Gavron AM, Labour, Environment Committee, London Assembly

Darren Johnson AM, Green, Chair of the Environment Committee, London Assembly

Caroline Pidgeon AM, Liberal Democrat, Deputy Chair of the Transport Committee

Murad Qureshi AM, Deputy Chair, Environment Committee, London Assembly

Valerie Shawcross AM, Chair of the Transport Committee, London Assembly

Mike Tuffrey AM, Liberal Democrat, Environment Committee, London Assembly

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APPENDIX 1

Breaches of air quality limit values and objectives in the United Kingdom in 2009

The overall air quality situation is assessed through a mixture of monitoring and computer modelling (with the monitoring sites providing reference points). For example see government maps showing where limit values for particulate matter (PM₁₀) are still expected to be being breached in London in 2011:

<http://www.cleanairinlondon.org/attachments/3862679/PM10%20London%20maps%20080812%20London%20overview%20slide%20only.pdf>

Exceedance statistics can be obtained from the UK Air Quality Network. See:

http://www.airquality.co.uk/archive/data_and_statistics.php?action=exceedance_pre_step&go=Go

In 2009, Air Quality Strategy Objective (PM₁₀) annual mean > 40 µg/m³ (i.e. limit value from 1 January 2005):

No sites in the UK exceeded the annual limit value.

http://www.airquality.co.uk/archive/data_and_statistics.php?f_exceedance_id=E20&f_year=2009&f_network_id=Array&f_group_id=2&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=GE10&action=exceedance3&go=Go

In 2009, Air Quality Strategy Objective for 2004 (PM₁₀) daily mean > 50 µg/m³ on more than 35 days (i.e. limit value from 1 January 2005):

Includes London only

http://www.airquality.co.uk/archive/data_and_statistics.php?f_exceedance_id=E22&f_year=2009&f_network_id=Array&f_group_id=2&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=GE10&action=exceedance3&go=Go

In 2009, Air Quality Strategy Objective for 2005 (NO₂) annual mean > 40 µg/m³ (i.e. limit value from 1 January 2010):

Includes many cities and towns across the United Kingdom (UK)

http://www.airquality.co.uk/data_and_statistics.php?f_exceedance_id=E1&f_year=2009&f_network_id=Array&f_group_id=4&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=NO2&action=exceedance3&go=Go

In 2009, Air Quality Strategy Objective for 2005 (NO₂) hourly mean > 200 µg/m³ for more than 18 hours (i.e. limit value from 1 January 2010):

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Includes Bury, Glasgow, London and Sandy

http://www.airquality.co.uk/archive/data_and_statistics.php?f_exceedence_id=E2&f_year=2009&f_network_id=Array&f_group_id=2&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=NO2&action=exceedence3&go=Go