

# Briefing

## Government's draft Air Quality Plans

### A briefing to inform consultation responses

#### Introduction

On 5 May the Government released its draft Air Quality Plan for tackling the UK's illegal levels of the deadly gas Nitrogen Dioxide (NO<sub>2</sub>), and launched a [consultation](#) which closes on 15 June.

This briefing is for anyone wishing to engage with that consultation.

It contains a summary of the main points Friends of the Earth will submit in its own response, as well as more detailed analysis.

The Plan received widespread criticism due to its perceived failure to address the scale of the problem. Fresh legal action has now been launched to try to force the Government to improve the Plan.

#### Summary

The Plan contains revised air quality figures, based on more realistic assumptions, which reveal the UK's air quality crisis to be more severe than previous Plans assumed.

There is also clear acknowledgement that the fastest and most effective way to reduce air pollution is via charging Clean Air Zones (CAZs) – areas in which emission standards determine whether a vehicle's owner must pay a charge to enter.

It is therefore astonishing that the Plan fails to set out how many and which Local Authorities will require charging CAZs, and even sets out they should only be considered after other measures which would not be addressing air pollution as quickly as possible.

The final version of the Plan, to be published on or before 31 July, must require charging CAZs to be in place by the end of 2018, covering all 58 areas that would otherwise still have illegal air pollution in 2019, with the Devolved Nations required to play their part.

Further action is also needed to address the problems on the Strategic Road Network by the same date.

---

For more than 40 years we've seen that the wellbeing of people and planet go hand in hand – and it's been the inspiration for our campaigns. Together with thousands of people like you we've secured safer food and water, defended wildlife and natural habitats, championed the move to clean energy and acted to keep our climate stable. Be a Friend of the Earth – see things differently.

In the draft Plan, diesel emissions are clearly identified as the largest source of NO<sub>x</sub> concentrations at the roadside. Despite this, the Plan falls dramatically short on any efforts to reduce the number of diesel vehicles on the road. A diesel scrappage scheme is mooted for only 9,000 of the UK's 12m diesel cars – just 0.075%. Changes to Vehicle Excise Duty, desperately needed to disincentivise the sale of new diesels, are only raised as a possibility.

The Plan is deficient in many other areas, as set out below. **Friends of the Earth asks councillors, MPs and concerned individuals to respond to the Government's consultation urging hugely improved ambition and action** to ensure the nation's deadly air pollution problem is brought under control in a far faster timescale than currently proposed.

## Background

Ahead of the draft Plan, Friends of the Earth [set out](#) key tests needed to bring levels of the toxic gas Nitrogen Dioxide (NO<sub>2</sub>) within legal limits in the shortest possible time, as required by the Courts. The government was forced by legal action to produce a new Plan, after their 2015 Plan was deemed too weak. Illegal levels of air pollution currently blight 37 of the UK's 43 Zones into which the UK is divided for air quality purposes, and results in 40,000 premature deaths a year across the country, particularly affecting the most vulnerable in our society.

Our [initial assessment](#) showed that the draft new AQ Plans were very poor and this document gives more detail. The consultation closes on 15<sup>th</sup> June, with final plans due by 31<sup>st</sup> July, but already the government is being [taken back to court](#).

### 1. THE PROBLEM: ROAD TRAFFIC AND DIESEL

The Plans confirm that *“road transport is responsible for some 80% of NO<sub>x</sub> concentrations at roadside, with diesel vehicles the largest source in these local areas of greatest concern”*,<sup>1</sup> and state that *“the government has set a clear long term ambition for all new cars and vans to be zero emission by 2040, and for nearly every car and van to be zero emission by 2050.”*<sup>2</sup>

**Friends of the Earth's view** is that the government should be setting out how diesel will be phased out altogether by 2025, and petrol too as fast as possible.

### 2. OVERALL AMBITION

There are many references acknowledging the need to meet legal limits in the “shortest time possible”, which is the requirement of the Court.

**Friends of the Earth's view** is however that much more can and must be done to bring down levels quicker – charging Clean Air Zones, the key measure (see below), are being unnecessarily delayed until implementation in 2020.

<sup>1</sup> Draft AQ Plan para 14, figures 3a, 3b, 3c),

<sup>2</sup> CAZ Framework para 24.

### 3. RE-MODELLING POLLUTION

Re-modelling air pollution data based on more realistic assumptions, as the Court required, has shown air pollution is in a **worse** state compared to what previous Plans assumed. Stronger measures were needed to bring levels down sooner, but these will now need to be even stronger still.

The dire state of air pollution is shown by estimates that of the 37 Air Quality Zones (of a total of 43 in the UK) which are still suffering with illegal air pollution (when limits should have been met in 2010 or 2015 at the very latest), 31 would still be illegal in 2020, without further action.<sup>3</sup>

At Local Authority level it is a shocking picture. The Plans set out the “...*best available forecast of UK local authorities with one or more roads with concentrations of NO<sub>2</sub> above statutory limits and for how long these exceedances would last if no additional measures were taken*”,<sup>4</sup> and insodoing reveal that:

In 2017: 75 Local Authorities will have exceedences  
 2018: 66 Local Authorities  
 2019: 58 Local Authorities  
 2020: 42 Local Authorities  
 2021: 31 Local Authorities

The Plan also shows that in 2026 three Local Authorities would still have illegal air – Birmingham, Leeds and London, with the latter still having illegal air in 2030.<sup>5</sup>

The government has realised the NO<sub>2</sub> problem extends to non-urban areas: “*New evidence indicates that in addition to the urban locations referred to in Section 7.4.1, there are sections of the local road network outside towns and cities, where NO<sub>2</sub> levels exceed statutory limits.*”<sup>6</sup>

The government has also realised there is additionally a problem on the strategic road network: “*The new evidence also indicates that less than 1% [18km] of the strategic road network (motorways and major A roads) managed by Highways England could exceed statutory limits for NO<sub>2</sub>.*”<sup>7</sup>

And there is further work to be done on the figures – the government is “...*undertaking further modelling using updated emissions and traffic data, which will be complete before the publication of the final plan*”.<sup>8</sup>

**Friends of the Earth's view** is that we welcome having a more realistic idea of what the problem is, but are shocked by the dates until when there would still be illegal air. The Government must act to address this problem in the shortest time possible, ensuring that measures are put in place across the UK.

<sup>3</sup> Table G1, Annex G, Technical Report).

<sup>4</sup> Draft AQ Plan, para 230

<sup>5</sup> Table 1 of Annex L of the Draft AQ Plan.

<sup>6</sup> Draft AQ Plan, para 73.

<sup>7</sup> Draft AQ Plan para 74, and Technical Report 10.1.

<sup>8</sup> Draft AQ Plan para 233

#### 4. CLEAN AIR ZONES (CAZs)

*“A Clean Air Zone defines an area where targeted action is taken to improve air quality and resources are prioritised and coordinated in order to shape the urban environment in a way that delivers improved health benefits and supports economic growth.”<sup>9</sup>*

The Government distinguishes between non-charging CAZs (set out in Section 2 of the CAZ Framework), and charging CAZs (set out in Section 3) with additional measures whereby *“designated vehicles are required to pay a charge to enter or to move within the zone...”<sup>10</sup>*

**Friends of the Earth's view** is that the principles and aims of non-charging CAZs should be being pursued in all areas / Local Authorities anyway, and put in place straight away. This would be consistent with the principles of Sustainable Development whereby economic development should be pursued in a way which also delivers on environmental and social goals. This is more important also as the World Health Organisation has identified health effects at levels below the legal limit for NO<sub>2</sub>.

We believe that at least a non-charging CAZ, and consideration of a charging CAZ, should be in place where Local Authorities have [Air Quality Management Areas \(AQMAs\)](#) designated. These are set in order to meet Objectives for air quality in the local area, and are set at the same level for NO<sub>2</sub> as the Limit Values (EU legal limits) the government has to meet.

Friends of the Earth considers that charging CAZs must be in place by the end of 2018 to cover all 58 areas which would otherwise still have illegal air pollution in 2019.

The Government admits that CAZs are the most effective tool in bringing down air pollution: *“From the options considered, establishing Clean Air Zones (CAZs) is the most effective way to bring the UK into compliance with NO<sub>2</sub> concentration levels in the shortest possible time (Table Ex.3).”<sup>11</sup>*

However, while they state some charging CAZs will be required, they won't say where until July: *“The final UK Air Quality Plan for tackling nitrogen dioxide, published in July 2017, will confirm the local authorities which will formally and legally be required to develop and implement comprehensive Clean Air Zone plans.”<sup>12</sup>*

**Friends of the Earth's view** is that it is shocking that, while CAZs are acknowledged to be the most effective option, the Government has not set out how many and which Local Authorities will require charging CAZs, beyond the 5 required in their 2015 Plans (Birmingham, Leeds, Derby, Nottingham and Southampton), plus separate arrangements for London. There are 3 ways charging CAZs need to be improved – having more of them, coming in sooner and being stronger. This must apply to England and the devolved Nations.

<sup>9</sup> CAZ Framework for England, para 8, with 3 themes CAZs are expected to deliver set out in para 17.

<sup>10</sup> Draft AQ Plan para 62, and CAZ Framework para 12.

<sup>11</sup> Summary of results, Executive Summary, p9 and 11, also shown in Figure 10.1 - both of the Technical Report.

<sup>12</sup> Consultation Document, para 38.

### A. MORE CHARGING CAZs

The documents highlight 40 Local Authorities in England (plus 2 in the wider UK) as possible places for CAZs - these are forecast to still be over legal limits in 2020.<sup>13</sup> However only 27 CAZs are being assumed in the government's calculations – a further 21 as well as the 5 CAZs originally proposed and separate arrangements for London.<sup>14</sup>

**Friends of the Earth's view** is that charging CAZs are needed in place by the end of 2018 to cover all 58 UK Local Authority areas which would otherwise have illegal air in 2019.

### B. CHARGING CAZs SOONER

The Government sets out how it wants a whole range of other measures to be considered before charging CAZs could be applied for or allowed,<sup>15</sup> and have presumed to include this in their published final CAZ Framework.<sup>16</sup>

This is proposed despite the Plans expecting to require charging CAZs.<sup>17</sup> However, requiring alternatives to charging CAZs to be considered first results in unnecessary delay.<sup>18</sup> Under Government plans, charging CAZs would not be in place until 2020, or 2019 for the original 5 CAZs,<sup>19</sup> though they say they are starting to talk to Local Authorities now.

**Friends of the Earth's view** is that it is an unacceptable requirement for Local Authorities to have to first consider other measures (the effectiveness of which have not been shown) instead of a charging CAZ, rather than as well as one. Bringing down levels of air pollution in the shortest time possible must utilise the most effective measures straight away, and charging CAZs must be in place where needed by the end of 2018. Talking now to Local Authorities does not make up for delaying them from progressing CAZs. As requested in the most recent legal challenge by Client Earth, the Government must produce a supplementary consultation seeking views on charging CAZs as the primary measure for tackling illegal air pollution.

**On London** the Plans expect the capital to get legal air only in 2025.<sup>20</sup> We consider that Londoners should not have to suffer illegal air any longer than the rest of the UK, and that the Ultra Low Emission Zone (ULEZ) should be in place also by the end of 2018. 2025, as the Government proposes, is not acceptable.

<sup>13</sup> Consultation Document, para 38

<sup>14</sup> Table Ex.3 of the Technical Report

<sup>15</sup> Draft AQ Plan, para 72

<sup>16</sup> Consultation Document, paras 23-27

<sup>17</sup> Technical Report Exec Summary page 6

<sup>18</sup> Technical Report 4.3.1

<sup>19</sup> Consultation Document para 44, Draft AQ Plan para 70/71 and Technical Report 4.3.3

<sup>20</sup> Draft AQ Plan, para 88

### C. STRONGER CHARGING CAZs

The Government clearly has had to accept that cars will need to be included in charging CAZs: *"fifteen cities were identified as requiring a....Class D CAZ [one which includes cars]"*.<sup>21</sup>

**Friends of the Earth's view** is that all required charging CAZs should be set up to include cars so that all levers are in place to cut levels of air pollution in the shortest time possible. Delaying setting out charges for consultation also delays raising awareness and action. On London we consider that the ULEZ must be bigger and stronger - to be London-wide for all vehicles including cars.

### 5. RETROFITTING of existing vehicles

The Plans propose limited retrofitting action,<sup>22</sup> but to support retrofitting the Plans propose a Clean Vehicle Retrofit Accreditation Scheme (CVRAS), to be in place in 2017.<sup>23</sup>

Friends of the Earth's view is that this is welcome, and will aid retrofitting play its part.

### 6. SCRAPPAGE SCHEME

The Plans make little mention of a badly-needed scrappage scheme but costs out a paltry number of 15,000 cars, of which only 9,000 are diesel - a tiny percentage of vehicles, though the assumption is for replacements to be Battery Electric Vehicles or BEV.<sup>24</sup> They refer merely to engaging with manufacturers during the consultation period.<sup>25</sup>

**Friends of the Earth's view** is that a carefully-designed scrappage scheme is an important piece of the solution jigsaw, helping people who may have bought diesels in good faith to switch to better alternatives. However the assumption of 15,000 vehicles is far too small a scheme. And while replacement with BEVs is welcome, there is no mention of such a scheme offering car club membership or alternatives to driving such as rail season tickets.

**Friends of the Earth's view** is that manufacturers must contribute at least part of the cost of a scrappage scheme (since they have produced vehicles emitting more pollution than they should), perhaps in proportion to the numbers of vehicles sold in the UK which fail to match the emissions produced in the lab when in real world driving conditions.

<sup>21</sup> Section 4.3.1 of the Technical Report

<sup>22</sup> Technical Report 5.2

<sup>23</sup> CAZ Framework, para 130.

<sup>24</sup> Technical Report 5.3.1

<sup>25</sup> Consultation Document, para 35.

## 7. Ultra Low Emission Vehicles (ULEVs)

The Plans set out some limited further action,<sup>26</sup> and to support ULEVs the Plans discuss providing more charging points on the strategic road network (motorways and major A roads) in England.<sup>27</sup>

**Friends of the Earth's view** is that we need as many rapid charging points as possible in towns and cities and on roads.

## 8. Vehicle Excise Duty (VED)

VED is referred to: *"the Government will continue to explore the appropriate tax treatment for diesel vehicles and will engage with stakeholders ahead of making any tax changes at Autumn Budget 2017."*<sup>28</sup>

**Friends of the Earth's view** is that it is critical that the Autumn Budget this year reverses diesel incentives.

## 9. SPEED LIMITS

Lowering speed limits on motorways to 60mph are discussed.<sup>29</sup>

**Friends of the Earth's view** is that to resolve air pollution problems on the Strategic Road Network (identified above), these measures, or whatever is required to bring the Network into compliance by the end of 2018, must be put in place. Certainly adding road space which would add to the air pollution problem must not be allowed.

## 10. CONSUMER INFORMATION ON NO<sub>2</sub>

The Plans propose a review of vehicle labelling so that expected emissions of NO<sub>x</sub> will be available to consumers.<sup>30</sup>

**Friends of the Earth's view** is that it's helpful to let consumers know levels of NO<sub>x</sub> emissions.

## 11. ALTERNATIVES to driving

There is reference to encouraging healthy and active travel in the CAZ Framework and that is supported with some funding schemes in place and a recent Walking and Cycling Investment strategy.

**Friends of the Earth's view** is that there is far more steering of policy and prioritisation of funding needed to give people adequate alternatives to driving such as safer walking and cycling and better and more affordable public transport.

<sup>26</sup> Technical Report 5.4

<sup>27</sup> Draft AQ Plan, para 75

<sup>28</sup> Draft AQ Plan para 54

<sup>29</sup> Technical Report Exec Summary Table Ex.3 and 6.2

<sup>30</sup> Draft AQ Plan para 52 and Technical Report 6.4.2.

## 12. PLANNING

There is only brief reference to planning in the CAZ Framework.

**Friends of the Earth's view** is that key policy guidance must be updated to avoid developments adding to the problem.

## 13. CLEAN AIR ACT (CAA)

There is no mention of a CAA in the AQ Plans.

**Friends of the Earth's view** is that a new CAA is crucial to safeguard existing legal protections and to strengthen them, and to set out the right to breathe clean air.

--

### Contact:

Jenny Bates  
Air Pollution Campaigner, Friends of the Earth  
[jenny.bates@foe.co.uk](mailto:jenny.bates@foe.co.uk)