

# AGENDA

**Meeting Environment Committee**

**Date Thursday 2 July 2015**

**Time 10.00 am**

**Place Chamber, City Hall, The Queen's Walk, London, SE1 2AA**

Copies of the reports and any attachments may be found at [www.london.gov.uk/mayor-assembly/london-assembly/environment](http://www.london.gov.uk/mayor-assembly/london-assembly/environment)

Most meetings of the London Assembly and its Committees are webcast live at [www.london.gov.uk/mayor-assembly/london-assembly/webcasts](http://www.london.gov.uk/mayor-assembly/london-assembly/webcasts) where you can also view past meetings.

## Members of the Committee

Darren Johnson AM (Chair)

Murad Qureshi AM (Deputy Chair)

Jennette Arnold OBE AM

James Cleverly AM MP

Nicky Gavron AM

Stephen Knight AM

Steve O'Connell AM

A meeting of the Committee has been called by the Chair of the Committee to deal with the business listed below.

Mark Roberts, Executive Director of Secretariat  
Wednesday 24 June 2015

## Further Information

If you have questions, would like further information about the meeting or require special facilities please contact: Ed Wise, Committee Officer; Telephone: 020 7983 4619; Email: [ed.wise@london.gov.uk](mailto:ed.wise@london.gov.uk).

For media enquiries please contact Mary Dolan, Telephone 020 7983 4603; Email: [mary.dolan@london.gov.uk](mailto:mary.dolan@london.gov.uk). If you have any questions about individual items please contact the author whose details are at the end of the report.

This meeting will be open to the public, except for where exempt information is being discussed as noted on the agenda. A guide for the press and public on attending and reporting meetings of local government bodies, including the use of film, photography, social media and other means is available at [www.london.gov.uk/sites/default/files/Openness-in-Meetings.pdf](http://www.london.gov.uk/sites/default/files/Openness-in-Meetings.pdf).

There is access for disabled people, and induction loops are available. There is limited underground parking for orange and blue badge holders, which will be allocated on a first-come first-served basis. Please contact Facilities Management on 020 7983 4750 in advance if you require a parking space or further information.

If you, or someone you know, needs a copy of the agenda, minutes or reports in large print or Braille, audio, or in another language, then please call us on 020 7983 4100 or email [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk).

Si usted, o algùn conocido desea recibir una copia del order del dia, acta o informe en Braille o en su propio idioma, y gratis, no dude en ponerse en contacto con nosotros llamando al teléfano 020 7983 4100 o por correo electrónico: [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk).

Se você, ou algüem que conheça precisa uma cópia da ordem do dia, anotações ou relatorios em prensa grande ou Braille, ou em outra lingu, então por favour nos telephone em 020 7983 4100 ou e-mail [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk).

Haddii ama ama qof aad taqaanid, uu ugu baahan yahay koobiga ajendhada, haddaladii ama warbixinta in far waaweyn loogu qoro ama farta qofka indoolaha akhrin karo, amaba luuqad kale, fadlan naga soo wac telefoonkan 020 7983 4100 ama email [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk).

Ta ba ri enikeni ti o ba ni ife ni eda ewe nla ti igbimo awon asoju tabi papa julo ni ede ti abinibi won, ki o kansywa lori ero ibanisoro. Nomba wa ni 020 7983 4100 tabi ki e kan si wa lori ero [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk).

જો તમને અથવા તમે જાણતાં હો તેવી કોઈ વ્યક્તિને એજન્ડા (કાર્યસૂચિ), મિનિટ્સ (ટૂંકી નોંધો) અથવા રિપોર્ટ્સ (અહેવાલો)ની નકલ મોટા અક્ષરોમાં છપાયેલી કે બ્રેઈલમાં અથવા બીજી કોઈ ભાષામાં જોઈતી હોય, તો કૃપા કરીને 020 7983 4100 ઉપર ફોન અથવા [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk) ઉપર અમને ઈ-મેઈલ કરો.

আপনি বা আপনার পরিচিত কেউ যদি এজেন্ডা, মিনিট বা রিপোর্টের একটি কপি বড় ছাপা বা ব্রেইল অথবা অন্য কোন ভাষায় পেতে চান তবে দয়া করে আমাদেরকে 020 7983 4100 এ নাম্বারে ফোন করুন বা [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk) এ ই-মেইলে যোগাযোগ করুন।

ਜੇ ਤੁਹਾਨੂੰ ਜਾਂ ਤੁਹਾਡੇ ਵਾਕਫ਼ ਕਿਸੇ ਹੋਰ ਵਿਅਕਤੀ ਨੂੰ, ਏਜੰਡੇ, ਮੀਟਿੰਗ ਦੀ ਕਾਰਵਾਈ ਜਾਂ ਰਿਪੋਰਟਾਂ ਦੀ ਕਾਪੀ, ਵੱਡੇ ਅੱਖਰਾਂ ਵਿੱਚ ਛਪਾਈ ਜਾਂ ਬਰੇਲ ਦੇ ਰੂਪ ਵਿੱਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਬੋਲੀ ਵਿੱਚ ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ 020 7983 4100 'ਤੇ ਟੈਲੀਫ਼ੋਨ ਕਰੋ ਜਾਂ ਇਸ ਪਤੇ 'ਤੇ ਈਮੇਲ ਕਰੋ : [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk)

اگر آپ یا آپ کے جاننے والے کسی فرد کو اس ایجنڈا کی کاپی، تفصیل یا رپورٹیں بڑے پرنٹ یا بریل یا کسی دوسری زبان میں درکار ہوں تو براہ کرم ہمیں 020 7983 4100 پر فون کیجئے یا درج ذیل ای میل پر رابطہ کیجئے [assembly.translations@london.gov.uk](mailto:assembly.translations@london.gov.uk)



Certificate Number: FS 80233

**Agenda  
Environment Committee  
Thursday 2 July 2015**

**1 Apologies for Absence and Chair's Announcements**

To receive any apologies for absence and any announcements from the Chair.

**2 Declarations of Interests** (Pages 1 - 4)

Report of the Executive Director of Secretariat  
Contact: Ed Wise, [ed.wise@london.gov.uk](mailto:ed.wise@london.gov.uk); 020 7983 4619

**The Committee is recommended to:**

- (a) Note the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, as disclosable pecuniary interests;**
- (b) Note the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s); and**
- (c) Note the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at Agenda Item 2) and to note any necessary action taken by the Member(s) following such declaration(s).**

**3 Minutes** (Pages 5 - 56)

**The Committee is recommended to confirm the minutes of the meeting of the Committee held on 4 June 2015 to be signed by the Chair as a correct record.**

The appendices to the minutes set out on pages 11 to 56 are attached for Members and officers only but are available from the following area of the GLA's website:  
[www.london.gov.uk/mayor-assembly/london-assembly/environment](http://www.london.gov.uk/mayor-assembly/london-assembly/environment)

#### **4 Summary List of Actions** (Pages 57 - 58)

Report of the Executive Director of Secretariat  
Contact: Ed Wise, [ed.wise@london.gov.uk](mailto:ed.wise@london.gov.uk); 020 7983 4619

**The Committee is recommended to note the outstanding actions arising from a previous meeting.**

#### **5 Solar Energy from London's Homes** (Pages 59 - 62)

Report of the Executive Director of Secretariat  
Contact: Alexandra Beer, [scrutiny@london.gov.uk](mailto:scrutiny@london.gov.uk); 020 7983 4947

**The Committee is recommended to note the report as background to putting questions to invited guests on solar energy, and note the subsequent discussion.**

#### **6 Environment Committee Work Programme** (Pages 63 - 66)

Report of the Executive Director of Secretariat  
Contact: Ian Williamson, [scrutiny@london.gov.uk](mailto:scrutiny@london.gov.uk); 020 7983 6541

**The Committee is recommended to:**

- (a) Note its work programme for the remainder of the 2015/16 Assembly year; and**
- (b) Delegate authority to the Chair, in consultation with Lead Members, to agree the scope and terms of reference for the Committee's investigation into the environmental pressures from London's growth.**

#### **7 Date of Next Meeting**

The next meeting of the Committee is scheduled for Thursday, 3 September 2015 at 10.00 am in Committee Room 5, City Hall.

#### **8 Any Other Business the Chair Considers Urgent**

# Subject: Declarations of Interests

**Report to: Environment Committee**

**Report of: Executive Director of Secretariat**

**Date: 2 July 2015**

**This report will be considered in public**

## 1. Summary

- 1.1 This report sets out details of offices held by Assembly Members for noting as disclosable pecuniary interests and requires additional relevant declarations relating to disclosable pecuniary interests, and gifts and hospitality to be made.

## 2. Recommendations

- 2.1 **That the list of offices held by Assembly Members, as set out in the table below, be noted as disclosable pecuniary interests<sup>1</sup>;**
- 2.2 **That the declaration by any Member(s) of any disclosable pecuniary interests in specific items listed on the agenda and the necessary action taken by the Member(s) regarding withdrawal following such declaration(s) be noted; and**
- 2.3 **That the declaration by any Member(s) of any other interests deemed to be relevant (including any interests arising from gifts and hospitality received which are not at the time of the meeting reflected on the Authority's register of gifts and hospitality, and noting also the advice from the GLA's Monitoring Officer set out at below) and any necessary action taken by the Member(s) following such declaration(s) be noted.**

## 3. Issues for Consideration

- 3.1 Relevant offices held by Assembly Members are listed in the table overleaf:

---

<sup>1</sup> The Monitoring Officer advises that: Paragraph 10 of the Code of Conduct will only preclude a Member from participating in any matter to be considered or being considered at, for example, a meeting of the Assembly, where the Member has a direct Disclosable Pecuniary Interest in that particular matter. The effect of this is that the 'matter to be considered, or being considered' must be about the Member's interest. So, by way of example, if an Assembly Member is also a councillor of London Borough X, that Assembly Member will be precluded from participating in an Assembly meeting where the Assembly is to consider a matter about the Member's role / employment as a councillor of London Borough X; the Member will not be precluded from participating in a meeting where the Assembly is to consider a matter about an activity or decision of London Borough X.

<b>Member</b>	<b>Interest</b>
Tony Arbour AM	Member, LFEPA; Member, LB Richmond
Jennette Arnold OBE AM	Committee of the Regions
Gareth Bacon AM	Chairman of LFEPA; Chairman of the London Local Resilience Forum; Member, LB Bexley
John Biggs AM	Mayor of Tower Hamlets (LB)
Andrew Boff AM	Member, LFEPA; Congress of Local and Regional Authorities (Council of Europe)
Victoria Borwick AM MP	Member of Parliament; Member, Royal Borough of Kensington & Chelsea
James Cleverly AM MP	Member of Parliament
Tom Copley AM	Member, LFEPA
Andrew Dismore AM	Member, LFEPA
Len Duvall AM	
Roger Evans AM	Deputy Mayor; Committee of the Regions; Trust for London (Trustee)
Nicky Gavron AM	
Darren Johnson AM	Member, LFEPA
Jenny Jones AM	Member, House of Lords
Stephen Knight AM	Member, LFEPA; Member, LB Richmond
Kit Malthouse AM MP	Member of Parliament
Joanne McCartney AM	
Steve O'Connell AM	Member, LB Croydon; MOPAC Non-Executive Adviser for Neighbourhoods
Caroline Pidgeon MBE AM	
Murad Qureshi AM	Congress of Local and Regional Authorities (Council of Europe)
Dr Onkar Sahota AM	
Navin Shah AM	
Valerie Shawcross CBE AM	
Richard Tracey AM	Chairman of the London Waste and Recycling Board; Mayor's Ambassador for River Transport
Fiona Twycross AM	Member, LFEPA

[Note: LB - London Borough; LFEPA - London Fire and Emergency Planning Authority; MOPAC – Mayor's Office for Policing and Crime]

3.2 Paragraph 10 of the GLA's Code of Conduct, which reflects the relevant provisions of the Localism Act 2011, provides that:

- where an Assembly Member has a Disclosable Pecuniary Interest in any matter to be considered or being considered or at
  - (i) a meeting of the Assembly and any of its committees or sub-committees; or
  - (ii) any formal meeting held by the Mayor in connection with the exercise of the Authority's functions
- they must disclose that interest to the meeting (or, if it is a sensitive interest, disclose the fact that they have a sensitive interest to the meeting); and
- must not (i) participate, or participate any further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting

## UNLESS

- they have obtained a dispensation from the GLA's Monitoring Officer (in accordance with section 2 of the Procedure for registration and declarations of interests, gifts and hospitality – Appendix 5 to the Code).

- 3.3 Failure to comply with the above requirements, without reasonable excuse, is a criminal offence; as is knowingly or recklessly providing information about your interests that is false or misleading.
- 3.4 In addition, the Monitoring Officer has advised Assembly Members to continue to apply the test that was previously applied to help determine whether a pecuniary / prejudicial interest was arising - namely, that Members rely on a reasonable estimation of whether a member of the public, with knowledge of the relevant facts, could, with justification, regard the matter as so significant that it would be likely to prejudice the Member's judgement of the public interest.
- 3.5 Members should then exercise their judgement as to whether or not, in view of their interests and the interests of others close to them, they should participate in any given discussions and/or decisions business of within and by the GLA. It remains the responsibility of individual Members to make further declarations about their actual or apparent interests at formal meetings noting also that a Member's failure to disclose relevant interest(s) has become a potential criminal offence.
- 3.6 Members are also required, where considering a matter which relates to or is likely to affect a person from whom they have received a gift or hospitality with an estimated value of at least £25 within the previous three years or from the date of election to the London Assembly, whichever is the later, to disclose the existence and nature of that interest at any meeting of the Authority which they attend at which that business is considered.
- 3.7 The obligation to declare any gift or hospitality at a meeting is discharged, subject to the proviso set out below, by registering gifts and hospitality received on the Authority's on-line database. The on-line database may be viewed here:  
<http://www.london.gov.uk/mayor-assembly/gifts-and-hospitality>.
- 3.8 If any gift or hospitality received by a Member is not set out on the on-line database at the time of the meeting, and under consideration is a matter which relates to or is likely to affect a person from whom a Member has received a gift or hospitality with an estimated value of at least £25, Members are asked to disclose these at the meeting, either at the declarations of interest agenda item or when the interest becomes apparent.
- 3.9 It is for Members to decide, in light of the particular circumstances, whether their receipt of a gift or hospitality, could, on a reasonable estimation of a member of the public with knowledge of the relevant facts, with justification, be regarded as so significant that it would be likely to prejudice the Member's judgement of the public interest. Where receipt of a gift or hospitality could be so regarded, the Member must exercise their judgement as to whether or not, they should participate in any given discussions and/or decisions business of within and by the GLA.

## **4. Legal Implications**

- 4.1 The legal implications are as set out in the body of this report.

## **5. Financial Implications**

- 5.1 There are no financial implications arising directly from this report.

<b>Local Government (Access to Information) Act 1985</b>
--

List of Background Papers: None
---------------------------------

Contact Officer: Ed Wise, Committee Officer
---

Telephone: 020 7983 4619
--------------------------

E-mail: <a href="mailto:ed.wise@london.gov.uk">ed.wise@london.gov.uk</a>
--



# MINUTES

**Meeting: Environment Committee**  
**Date: Thursday 4 June 2015**  
**Time: 10.00 am**  
**Place: Committee Room 5, City Hall, The Queen's Walk, London, SE1 2AA**

Copies of the minutes may be found at:

[www.london.gov.uk/mayor-assembly/london-assembly/environment](http://www.london.gov.uk/mayor-assembly/london-assembly/environment)

**Present:**

Darren Johnson AM (Chair)  
Murad Qureshi AM (Deputy Chair)  
James Cleverly AM MP  
Stephen Knight AM  
Steve O'Connell AM

**1 Apologies for Absence and Chair's Announcements (Item 1)**

1.1 Apologies for absence were received from Jennette Arnold OBE AM and Nicky Gavron AM.

**2 Declarations of Interests (Item 2)**

2.1 The Committee received the report of the Executive Director of Secretariat.

**2.2 Resolved:**

**That the list of offices held by Assembly Members, as set out in the table at Agenda Item 2, be noted as disclosable pecuniary interests.**

### **3 Membership of the Committee (Item 3)**

#### **3.1 Resolved:**

**That the membership and chairing arrangements for the Committee, as agreed by the London Assembly at its Annual Meeting on 13 May 2015, be noted as follows:**

**Darren Johnson AM (Chair)  
Murad Qureshi AM (Deputy Chair)  
Jennette Arnold OBE AM  
James Cleverly AM MP  
Nicky Gavron AM  
Stephen Knight AM  
Steve O'Connell AM**

### **4 Terms of Reference (Item 4)**

#### **4.1 Resolved:**

**That the terms of reference of the Committee, as agreed by the London Assembly at its Annual Meeting on 13 May 2015, be noted as follows:**

- 1. To examine and report from time to time on –
  - the strategies, policies and actions of the Mayor and the Functional Bodies
  - matters of importance to Greater Londonas they relate to the environment and sustainable development in London.**
- 2. To consider environmental matters on request from another standing committee and report its opinion to that standing committee.**
- 3. To take into account in its deliberations the cross cutting themes of: the health of persons in Greater London; the achievement of sustainable development in the United Kingdom; climate change; and the promotion of opportunity.**
- 4. To respond on behalf of the Assembly to consultations and similar processes when within its terms of reference.**

## **5 Standing Delegation (Item 5)**

### **5.1 Resolved:**

**That the following standing delegation be noted:**

*At its Annual Meeting on 1 May 2013, the Assembly agreed to delegate a general authority to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.*

## **6 Minutes (Item 6)**

### **6.1 Resolved:**

**That the minutes of the meeting held on 3 March 2015 be signed by the Chair as a correct record.**

## **7 Summary List of Actions (Item 7)**

7.1 The Committee received the report of the Executive Director of Secretariat.

### **7.2 Resolved:**

**That the completed and outstanding actions arising from previous meetings of the Committee be noted.**

## **8 Action Taken under Delegated Authority (Item 8)**

8.1 The Committee received the report of the Executive Director of Secretariat.

### **8.2 Resolved:**

**That the recent action taken by the Chair, in consultation with party Group Lead Members, under delegated authority be noted.**

## 9 Air Pollution in London (Item 9)

9.1 The Committee received the report of the Executive Director of Secretariat as background to putting questions on air pollution in London to the following invited guests:

- Jenny Bates – Friends of the Earth London;
- Cllr Feryal Demirci – Cabinet Member for Neighbourhoods, London Borough of Hackney;
- Anna Heslop – Clean Air Lawyer, ClientEarth;
- Andrea Lee – Healthy Air London Co-ordinator, ClientEarth;
- Sam Longman – Environment Policy Manager, Transport for London;
- Matthew Pencharz – Mayor’s Senior Adviser, Environment and Energy; and
- Elliot Treharne – Air Quality Manager, GLA.

9.2 A transcript of the discussion is attached at **Appendix 1**.

9.3 A copy of the letter from the Mayor to the Airport Commission, as referred to throughout the discussion, is attached at **Appendix 2**.

9.4 **Resolved:**

**That the report and discussion be noted.**

## 10 Proposal for an Investigation into Solar Power in London's Homes (Item 10)

10.1 The Committee received the report of the Executive Director of Secretariat.

10.2 **Resolved:**

- (a) That the scope and terms of reference for an investigation into solar power in London, as detailed at Appendix 1 to the report, be agreed; and**
- (b) That a site visit on the 18 June 2015 be held as part of the solar power investigation.**

## **11 Adapting to Severe Weather in London (Item 11)**

11.1 The Committee received the report of the Executive Director of Secretariat.

11.2 **Resolved:**

**That the Committee's report *Come Rain or Shine: London's adaptation to the risks of severe weather*, as set out at Appendix 1 to the report, be noted.**

## **12 Food Waste in London (Item 12)**

12.1 The Committee received the report of Executive Director of Secretariat.

12.2 **Resolved:**

**That the letter from the Mayor in response to the Committee's investigation into managing domestic food waste in London, as attached at Appendix 1 to the report, be noted.**

## **13 Environment Committee Work Programme (Item 13)**

13.1 The Committee received the report of the Executive Director of Secretariat.

13.2 **Resolved:**

**That the work programme for the 2015/16 Assembly year be agreed.**

## **14 Date of Next Meeting (Item 14)**

14.1 The date of the next meeting of the Committee was confirmed as Thursday, 2 July 2015 at 10.00 am in the Chamber, City Hall.

## **15 Any Other Business the Chair Considers Urgent (Item 15)**

15.1 There were no items of business that the Chair considered to be urgent.

## 16 Close of Meeting

16.1 The meeting ended at 12.14 pm.

---

Chair

---

Date

**Contact Officer:** David Pealing, Committee Officer  
Telephone: 020 7983 5525; Email: david.pealing@london.gov.uk.

**Environment Committee – 4 June 2015**  
**Transcript of Item 9: Air Pollution in London**

**Darren Johnson AM (Chair):** That takes us on to Item 9: Air pollution in London. Can I welcome Matthew Pencharz, the Mayor's Senior Advisor on Environment and Energy; Elliot Treharne, Air Quality Manager at the Greater London Authority (GLA); Sam Longman, the Environment Policy Manager at Transport for London (TfL); Anna Heslop and Andrea Lee from ClientEarth; Jenny Bates from Friends of the Earth; and Councillor Feryal Demirci, Lead Member for Neighbourhoods in the London Borough of (LB) Hackney.

Let us get straight on with the business, then. I am going to put the first question to ClientEarth and ask: what are the main implications of the recent Supreme Court judgment on air quality for the UK?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** Thank you, Chair. Thank you for the opportunity to come and speak to you as well. The Ambient Air Quality Directive requires Member States to comply with limit values in different zones and agglomerations across the country and for various different chemicals, one of which is nitrogen dioxide (NO<sub>2</sub>). The case that we brought was based on the NO<sub>2</sub> limit values. The deadline for compliance with those limit values on the Directive was 31 December 2010. If Member States had not complied by that date, they could apply for an extension to 31 December 2015.

In the case of the UK, it applied for extensions in respect of those zones and agglomerations where it knew it would be able to comply by the end of 2015. In respect of zones and agglomerations where it did not think it would be able to comply until sometime after 2015, it did not apply for an extension. At that point, in 2011, ClientEarth took a judicial review against the Government to try to compel it to write air quality plans and to apply for this extension to the end of 2015.

There was a lot of technical legal argument about what you need to put into your air quality plan. There was another article in the Directive that allowed you to write an air quality plan that sought to comply in as short a time as possible and the UK wrote air quality plans for those zones and agglomerations that would not be able to comply by the end of 2015. It subsequently revised the dates by which it thinks it will comply and, for Greater London, it predicts compliance sometime after 2030.

Matters moved on slightly during the course of the court case. We went from the High Court all the way up to the European Court of Justice and back to the Supreme Court and so it has taken five years, by which time 31 December 2010 had passed. What the Court has in fact ordered the Government to do is to prepare air quality plans in respect of the 16 zones and agglomerations that were part of our case, including Greater London, by the end of this year and those air quality plans must seek to comply in as short a time as possible.

We expect those plans to come out for public consultation at some point over the summer. I cannot tell you when that will be. It is entirely in the hands of the Department for Environment, Food & Rural Affairs (Defra), but I would imagine some point over the summer. After that, it will submit final plans to the European Commission by 31 December 2015.

**Darren Johnson AM (Chair):** Thank you. We are going to go into detail on specific measures in further questions but, just overall, what sort of improved air quality plan will the UK have to produce in the light of this ruling?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** It will have to try to seek compliance in as short a time as possible. What that means in terms of the measures is really a matter for Defra to decide. We would say 2030 is not as short as possible and that it can be done more quickly than that.

In the case of London, there are some more ambitious measures than the Government's current thinking in the Transport Emissions Road Map (TERM). We would expect those to be included as a bare minimum, but actually it is going to have to be a lot more ambitious than that.

**Darren Johnson AM (Chair):** It would have to go beyond that?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** Yes.

**Darren Johnson AM (Chair):** We will deal with that in later questioning. Then just some more legal, procedural questions: What could happen if the UK Supreme Court finds that the draft plan fails to satisfy UK law?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** That would be entirely separate. The judgment that the Supreme Court has given us allows ClientEarth to go back to the Administrative Court in the process of the plans being prepared, sometime between now and 31 December 2015, if there is a legal question that needs to be resolved in the preparation of those plans.

What it does not give us is an opportunity to say, "This plan is not good enough", and take it back to the Supreme Court. That is not going to happen. If on 31 December 2015 the Government publishes a plan that is not in compliance with the Directive, it would be a matter for a brand new judicial review.

**Darren Johnson AM (Chair):** Then what would happen if the European Commission was not satisfied with the final plan?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** At the same time as this case has been going on in the UK courts, the European Commission has what is called an infringement procedure going on. It is sometimes called infraction proceedings as well. Where there is a breach of European Union (EU) law, the European Commission can take enforcement action against a Member State. When the Supreme Court in 2013 ordered that the UK was in breach of article 13 of the Directive, the European Commission issued what is called a letter of formal notice and that is the first stage in the legal process of taking a Member State to the European Court to force it to apply the Directive correctly. That is the very first stage and it is quite a lengthy process.

If the UK were to submit something that the Commission was not happy with, I cannot speak for the Commission but I imagine it would push that process forward and I expect that the UK would expect to get a reasoned opinion. The fact is, the UK has to comply with the Directive and, if the Commission thinks that it is not compliant, it will say so.

**Darren Johnson AM (Chair):** How likely would a fine be in that scenario and what sort of size of fine are we looking at?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** Fines are a part of that infringement process but they are quite far down the line and so we are not looking at a fine immediately. You would have to go to a reasoned opinion. Then the case would go to the Court. If you had a judgment from the Court saying, "Yes, the UK is in breach", it would then have a time to comply. If it did not comply, you would go back to the Court for an



order that they would pay a fine. We are probably about six years away from fines. They could be substantial. However, really, the best way to avoid a fine is to comply.

**Darren Johnson AM (Chair):** Yes. Just in terms of the implications of the fines, presumably the Commission only fines the Member States' governments?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** Yes.

**Darren Johnson AM (Chair):** How each government chooses to allocate that fine is a matter for itself, and so we could see a proportion passed on to London?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** There is a provision in the Localism Act 2011 that allows the Government to pass on those fines to local authorities. What I would say to local authorities is that, as long as you are doing everything you can to comply and to make sure that the UK complies, it would be difficult for the Government to pass those fines on to you. I would say, however, that local authorities should be pushing the Government to give them the resources and the powers to be able to do the things that they need to do to help comply with the Directive.

**Darren Johnson AM (Chair):** Thanks for that. This leads us nicely now into the reaction from the Mayor's Office and the GLA. Can we hear from Matthew?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I just wanted to say quickly that London's air quality is improving - perhaps not as fast as some people on this panel may like - but it is improving thanks to tighter Low Emission Zone (LEZ) standards we brought in, retiring 6,000 of the oldest taxis, building Europe's largest fleet of hybrid buses. There has been a 12% reduction in NO<sub>2</sub> concentration - that is measured - since the Mayor was elected in 2008 and we now meet eight of the nine regulated pollutants, not NO<sub>2</sub>, which obviously will be subject of a large part of this session today. We are aware there is still a lot more to do and Anna [Heslop] has set out quite a bit in some detail about the Government's current estimation of 2030. That did not, by the way, bake in our Ultra Low Emission Zone (ULEZ) proposals when the Government announced that last year and so that 2030 figure is already out of date.

The Mayor recognises that more needs to be done before we have the air quality we deserve and that is why just before the election he approved the introduction of the world's first ULEZ in central London from 2020. This has not come cheap. The Mayor has committed £330 million to make this vision a reality. It will halve transport-related oxides of nitrogen (NO<sub>x</sub>) emissions and ensure that 80% of central London will meet the legal limits for NO<sub>2</sub> in 2020.

As Anna has laid out, the Supreme Court judgment was a matter for the national Government. It is for Defra and the Crown to reply to. It is not about the Mayor, despite what some people often try to do. It was not to do with us. It was to do with the central Government's NO<sub>2</sub> plan. However, it is obviously good that the Court has said to the Government that it should get within compliance for NO<sub>2</sub> as quickly as possible. This is what we have been saying for quite a while.

Last summer, the Mayor set out with the TERM paper - that Anna referred to - that we think we can get to compliance by 2020, but it needs a lot more Government action. We are already doing two-thirds of the work at regional and local authority level, but it is actually the Government that has some of the biggest levers to address air pollution. For example, now the election is out of the way, we think the Vehicle Excise Duty (VED) should be looked at properly to ensure those fiscal incentives can encourage the cleanest vehicles when it

comes to both carbon and air pollution. At the moment, it is purely carbon-based and hence has driven the very rapid dieselisation of our fleet over the last decade or so. We also feel - and the Mayor reiterated this in Mayor's Question Time (MQT) last week - that we do need to see a diesel scrappage scheme to get some of those older, more polluting diesels off the roads as quickly as is practicable.

It is always worth making the point about the EU. It is worth saying on the failure of the Euro standards, if the Euros 4 and 5 had met the standards that we had been promised, we would be NO<sub>2</sub> compliant this year. That is to say 2015. As it is, the Government's estimation - which is now wrong, by the way, because it did not bake in the ULEZ - was 2030, which shows the scale of the problem we have. We have a generation, effectively, of dirtier diesels than there should be and the EU needs to look at itself on that. We already heard conversations recently about delays in the real-world driving tests. *The Sunday Times* did quite a big piece on that the other week. That has been pushed back. You have one bit of the Commission, rightfully, enforcing the treaties. You have another bit of the Commission - the left arm or left leg or right arm or whatever - not giving us the tools to actually meet the laws they have laid down, which suggests something about the way that the EU is currently run.

Finally, it is worth saying something about Heathrow. Here we may get a broad consensus around this horseshoe. We feel the Supreme Court's decision has decisively changed the debate about aviation capacity in the southeast. As this Committee has recognised - and I believe the Chair wrote a letter recently - allowing Heathrow to expand, we feel, is inconceivable if the Government is going to set out a plan to meet the EU air quality laws within a reasonable timeframe. Of course, you will have probably seen the Mayor send a pretty robust letter<sup>1</sup> and submission to the Davies [Airports] Commission on that.

**Darren Johnson AM (Chair):** We are going to come on to both Heathrow and specific measures, both those that the Mayor is proposing and anything additional that may be required as well. While we are on the overall topic of the Supreme Court judgment, have we any other reactions to the Supreme Court judgment before we start going into the detailed questioning on the measures required?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Yes, Chair, just briefly on the ULEZ and the request from Hackney and some of the inner London boroughs for it to be expanded. Chair, first of all, thank you for the invitation to be here. I am the Lead Member for Neighbourhoods from Hackney. Along with colleagues from the London Boroughs of Camden, Southwark and Lambeth, we wrote to the Mayor last year requesting that he looks into a possible expansion of the ULEZ because, whilst we feel that the ULEZ is a good first step, we do not feel it will go far enough to address the air quality issues in our boroughs.

Whilst it has never been rejected outright, we have never had a direct response from either TfL or the Mayor about whether this was an option, although we have heard during MQT recently that he would welcome boroughs opting in. We do recognise, Chair, that as with the ULEZ at the moment, the proposed boundary matches that of the Congestion Charge Zone and so all the infrastructure is already there. Any expansion would mean the loss of infrastructure and it will need a lot of studying to be done. What we have been requesting from TfL is to have a timetable or a timeline or some milestones to indicate and to show us that it is serious about a potential expansion. To date, we have not seen that, Chair. We keep pushing for that.

Also, whilst TfL says that the air quality in inner London boroughs like my own, Hackney, will improve as a result of the ULEZ, Chair, we feel that that is not the case. We feel it will have an adverse impact on the boroughs with cars trying to avoid the Congestion Charge Zone and the ULEZ. Yes, we have written to the

---

<sup>1</sup> The letter from the Mayor referred to in this transcript is attached as **Appendix 2** to the minutes.

Mayor, we keep pushing TfL for an expansion and we do not think the ULEZ goes far enough. We would welcome a more direct response from TfL about what it plans to do with the potential expansion.

**Darren Johnson AM (Chair):** We will pursue Matthew [Pencharz] and TfL later on about the practicalities on this. Jenny Bates, is there anything you wish to say specifically on the judgment?

**Jenny Bates (Friends of the Earth):** I was just going to add a few thoughts. While we welcome the TERM, and it was pretty comprehensive, there was some language in there that refers to cost-effectiveness. As I understand it, the Directive is clear that the limits have to be met absolutely and that is irrespective of cost. We need to bear that in mind when looking at this TERM.

I would also say in respect of what Matthew Pencharz said, that we have known that the real-world NO<sub>2</sub> tests of the Euro standards have not been delivering for a while. It is not as if we have suddenly found that out. There has been a period of time when we could have been paying for other things to make up for the fact that the real-world results were not as they might have been.

I would also say that, having failed to meet these limits by 2010 and now 2015, we are effectively in some sort of special measures, as I see it. It is a bit like having a bank card and an overdraft and then we still want to try to spend some more. A wise and prudent bank would take your card from you and not let you spend any more until you have sorted out your problems and got yourself back within limits again. Effectively, although there is talk in the London Plan at policy 7.14 about being air-quality neutral, things have gone beyond that. In order to meet limits in the shortest possible time now, we have to be looking at all the measures to bring emissions and concentrations down; in other words, everything we can to help to cut levels. We should not be adding to it. We cannot worsen air pollution concentrations and we cannot delay compliance.

What Matthew Pencharz said about Heathrow is very welcome and I would argue that it is absolutely applicable to other things that need to be looked at in proposals around London, because that principle is absolutely right. That is what sustainable development should be doing, which is the underlying principle across all planning. We have to look at solutions that are win-win-win and are helping the economy while also respecting our environmental limits. We have to be considering that.

We will come back to this, but one thing I am thinking about is London river crossings, where there has not been a full, comprehensive package looked at of non-road options. We can find solutions that help the economy and respect our environmental limits. Thank you.

**Murad Qureshi AM (Deputy Chair):** Just one question on the legal perspective given by Anna. Thank you very much for that. As you heard, Matthew [Pencharz] told us quite clearly that we have had a 12% reduction in NO<sub>2</sub> and yet I noticed in the judgment that the judge has made the point in clause 30 saying:

*“During the five years of breach, the prospects of early compliance have become worse, not better.”*

Who are we to believe? The legal statement clearly states it has become worse. I am hearing from Matthew Pencharz, the environment adviser to the Mayor, that it is quite different.

**Anna Heslop (Clean Air Lawyer, ClientEarth):** At the beginning of the legal case, the Government was suggesting that compliance would be met in London by 2025. By the end of it, it was saying sometime after 2030. I realise that Matthew says that it has not taken into account the ULEZ and so it will come back down

to 2025. I am not sure about that because we were in court just a few weeks ago and the Government was saying it is still 2030. It will be interesting to see what Defra puts in the plan.

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** Just on a technical point, it is a function of modelling. In Defra's figures, they actually reflected the poor performance of Euro 4 and 5, which reiterates the point that Matthew [Pencharz] made. As a result of the failure of the emissions standards to work as effectively as we thought, that is what caused the projections of compliance to move back, not an actual worsening of real-world air quality. As you will see, we have information that will be published shortly, which confirms, in real-world conditions, those reductions in emissions.

**Darren Johnson AM (Chair):** It was the modelling of the measures and the impact that they would have?

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** The potential impact of Euro standards and what should have been a cleaner vehicle fleet.

**Murad Qureshi AM (Deputy Chair):** Let me just get this clear, Elliot. You are saying that this is something the judges have not understood? Five judges --

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** No, it is not that they have not understood it. The point that they are making is absolutely correct. Because of a whole range of factors including the Euro standards, which is a critical tool that we have to actually improve air quality, and because they have not worked, it has worsened the prospects for earlier compliance. That is accurate.

**Darren Johnson AM (Chair):** In layman's language, the pollution has not become worse but the improvement has not been as good as expected?

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** Yes, because of the Euro standards.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Not as fast as we had hoped, yes.

It is also worth mentioning that they were in court probably before the Mayor signed the scheme order towards the end of March, which may have meant the judges could not bake it into the judgment.

**Anna Heslop (Clean Air Lawyer, ClientEarth):** It was April 2015.

**Murad Qureshi AM (Deputy Chair):** I am concerned that Greater London might take up responsibility for the whole country and other regions do not do so as well. What proportion has Greater London contributed to not being in compliance?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** It does not quite work like that under this Directive. The country is split into 43 zones and agglomerations and each zone and agglomeration must comply and every part of that zone or agglomeration must comply. You could have one road that does not comply and your zone is non-compliant. That is not the case in London where you have about 1,000 kilometres of roads that do not comply, but let us just imagine somewhere more rural where you might have one place that does not comply. Each of those zones and agglomerations must comply with the limit values. London will have a

different problem and I accept that in London it is probably going to need more ambitious solutions than you might need in Kingston upon Hull, for example, but each and every zone has to comply.

**Murad Qureshi AM (Deputy Chair):** That might mean that we may get there in Greater London but Manchester does not quite get there and so --

**Anna Heslop (Clean Air Lawyer, ClientEarth):** The UK would be non-compliant, yes.

**Darren Johnson AM (Chair):** That has cleared that up. Let us move on to Steve O'Connell now and questions on the Mayor's TERM.

**Steve O'Connell AM:** That last point was interesting because, as ever, London is a special case. I know you were talking, Matthew [Pencharz], about the Mayor writing to the Government and expecting and hoping for extra resources. Clearly, London will be a significantly disproportionate contributor to this issue or this problem and a significant contributor to the solution. Sometimes it is right that pressure is put on this building and elsewhere but with the practical recognition that London must have significantly extra resourcing from the Government, which we need to touch upon and reinforce from this Committee, to strengthen the Mayor's hand.

We will just draw it back, Matthew, to the Mayor's plan itself, which is the TERM. Let us just revisit or rehearse. If all the conditions and aims are accepted, implemented and funded, what would that mean for London's air quality from the Mayor's plans? If you could just rehearse that and then we can take the challenges on from there.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** The Mayor's Air Quality Manifesto and, as we have said, the TERM – TfL is a great one for catchy titles – which we published last summer, shows a pathway to compliance by 2020. That is moving it forward a decade from the Government's original estimation of 2030, which we feel is now out of date, which shows the level of ambition that we feel we can pull off. We are doing two-thirds of that just at local and regional government levels and yet, as I said in my opening statement, it is actually the Commission and the Government that have some of the biggest and most powerful levers to improve our air pollution.

**Steve O'Connell AM:** Let us just investigate because your earlier comments were about the Government and the European Commission themselves being the people with their hands on the levers and the tillers and all these sorts of mixed metaphors. The Mayor is writing and up to a point, you were saying, the EU is coming up short and I sense some disagreement in body language from other guests, which no doubt they will clarify a little bit later. Is this just about going to the Government and the EU to get extra dosh to meet the TERM or additionality in the TERM?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I cannot remember which of my fellow panellists said this – I think it was Jenny [Bates], actually – about how we need to do everything. Every little counts, or whatever Tesco's probably rather tarnished slogan may be. It is a very difficult problem to solve and London has the greatest challenge in the UK because we are the biggest city and we also have the greatest human exposure because we have the most densely populated area.

It is worth mentioning very quickly, putting this in context, because somebody – I think it was Jenny again – mentioned how we are in special measures. In fact, we are hardly alone in Europe with having an NO<sub>2</sub> problem. Most of Europe – 22 out of 27 states – has an NO<sub>2</sub> problem and is not compliant. I was in Amsterdam

yesterday and they have an NO<sub>2</sub> problem and they were talking about it quite a lot. It is a problem across Europe and it is largely because of the dieselisation of our car fleets and the failure of the same Euro standards. Just in context, it is not just the UK that is particularly the problem child. It is the entire EU.

There are lots of different things we need to do. Yes, we need some more resources and we feel the EU should think about having an urban clean-air fund to help cities like London, which has an air pollution challenge and also has some pretty exciting and innovative ideas to try to address that, but clearly we need some funding help. That is about prioritisation within the EU's budgets.

Equally, it was interesting to hear the Ministers who made these decisions all those years ago under the then-Labour Government about the public policy failure of a very strong drive to diesel because of the carbon-driven policy, which is understandable but people did know about the issues with diesel back then. It was good to hear some apologies from the Ministers who made those decisions recently. We might see the Government in a reasonable timeframe undo or unwind those fiscal incentives so that people - especially when it comes to company cars and fleet cars, which are the ones you can do very quickly - are incentivised to purchase vehicles that balance both carbon, which is important, and also air pollution, especially in urban areas.

There is also the VED and, finally, a diesel scrappage scheme, which obviously the Mayor talked about. We have a generation of these dirty diesels on the streets. We hope the Euro 6 diesels will be as clean as they are promised to be and that is where we need the real-world driving test, which has been delayed by the Commission. We need to get some of those older vehicles off the streets as fast as we can. We already have taxi age limits, which are doing something. We are replacing our bus fleet remarkably quickly, at no small cost by the way, to the tax- and fare-payer. We feel we need the Government to step up and do the diesel scrappage scheme. It may well be fiscally neutral, by the way, because of the stimulus it would give to value added tax (VAT) receipts because of the new vehicles being sold and, obviously, for the economic activity in the places where we make cars in the UK. It is worth reminding everybody that we are the second-biggest car manufacturer in Europe now and so a lot of those new cars will be made somewhere within the UK.

**Steve O'Connell AM:** I am glad you mentioned the diesel scrappage scheme. That was mentioned in MQT the other day and we talked about it with the Mayor. Again, it was disappointing. It is almost like sugar is good for you one year and the next year sugar is bad for you. As a constituency Member I am very conscious of my residents and the effect on them and some years ago they were given a message. If it was unknowable at that time and people did not know, I understand that, but where were the experts half-a-dozen or eight years ago, when clearly Londoners were encouraged to buy diesel and to invest? Now they are told that it is a bad thing. I have heard 'irrespective of cost', but cost does affect Londoners and you have to be conscious of that. That is a point.

Talking about the national support, a new Government has come in. The Mayor will be lobbying for this support. What are the chances? It may be early days yet, but the point is we need that funding support to achieve it. London is a special case. It is a country within a country, in essence, around this particular issue. What do you think are the chances of the Mayor getting the financial support to bring forward the aspirations he has?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I do not think I am easily in a position to start putting odds on things.

**Steve O'Connell AM:** No, of course not.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I wish I had bet on a Conservative majority Government! I would have made a lot of money, but I am not a betting person.

We are starting to have conversations now. I am meeting the new Air Quality Minister this afternoon and I will restart all the conversations we had with his predecessor, the departed MP for one of the Cornwall seats [Dan Rogerson]. We will see how it goes. Our conversations continue. I do not really want to put odds on success. It is worth noting that the Supreme Court judgment has focused minds in the Government that perhaps were not as focused as they might have been.

**Steve O'Connell AM:** The judgment is against the Government and nothing will focus the Government's mind more than a judgment. It is not against this building; it is against the Government.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Exactly. When it comes to focusing minds and allocating resources, I hope when I have this conversation with the Minister later today to hear perhaps slightly different noises than my colleagues and I heard previously.

**Darren Johnson AM (Chair):** Looking at table 6.2 in the TERM - in terms of the inner effect, it is saying the total impact of the measures will be 28% but that what would be required for 99% compliance by road length will be 40%. That is quite a gap, is it not?

**Sam Longman (Environment Policy Manager, Transport for London):** Perhaps I should set the scene about how we approached the TERM. What we did early on was make some estimations about the scale of NO<sub>x</sub> reduction that would be needed to reach compliance. We did that for central, inner and outer London. We looked at what was needed to get to compliance by 99% of the roads in terms of road length and 100% compliance by road length. The reason we did that is that the blanket measures such as ULEZ, LEZ, etc, are your heavy-hitters, but to get to 100% compliance through those types of measures is actually quite heavy-handed. The idea was to get to 99% and leave some hotspots to target with more nuanced approaches.

In very simple terms, the way we need to get to compliance is by cleaning vehicles, and that is by removing the oldest polluting vehicles - and things like ULEZ and LEZ do that by setting regulations for how old vehicles can be; otherwise they are subject to a charge - and also driving the uptake of cleaner vehicles. We are getting them from the bottom and from the top, taking into account the vehicles that are on the roads, the fleet composition, where the market is and the uptake of Euro standards over time. The way the Euro standards work is, from given dates, all vehicles sold have to be of a certain Euro standard. Euro 6 recently came in and so all vehicles sold have to be of that standard. Over time, all vehicles will become Euro 6 anyway.

However, even with those measures, we need to push them as hard as we think we can with things like driving the uptake of super-clean vehicles. At the moment less than 0.1% of vehicle kilometres in London are driven by what we call ultra-low emission vehicles, which are plug-in hybrids with a decent range, pure electric or hydrogen, for example. We reckon that the contribution that ULEZ<sup>2</sup> should make to driving the uptake of those vehicles is getting to about 4% of vehicle kilometres being driven by them. That is quite a shift and is as far as we think you could push it.

Even that is not enough. You also need to look at what you can do to reduce total vehicle kilometres themselves. That is things like modal shift - getting people walking, cycling and using public transport more - and looking at what you can do through the planning process to promote more sustainable transport.

---

<sup>2</sup> After the meeting, the guest clarified he intended to refer to the TERM rather than ULEZ.

Essentially, the date you become compliant just relates to how soon you do those measures. If you are going to be compliant by 2025, you need to pull all those levers sufficiently to become compliant. To do it earlier, by 2020, is theoretically possible, but you have to take into account the cost of compliance. That is something that has already been talked about. People will suddenly have to upgrade their vehicles or pay a charge or no longer be able to travel if we are looking at reducing vehicle kilometres with some kind of measure as yet unidentified.

This is where the EU and the Government have to step in. It is possible. Of course, without meaning to be facetious, it is possible tomorrow if you banned all traffic or gave everyone a zero-emission vehicle.

**Darren Johnson AM (Chair):** Just looking at your own projections, though, and assuming 99% compliance rather than 100%, in outer London by 2020 you would be there, according to your figures. In central London, you would be almost there, a few percent off. However, in inner London, you would be absolutely miles off.

**Sam Longman (Environment Policy Manager, Transport for London):** The table you are looking at is a 2020 ambitious package. The TERM includes a 2025 package for compliance and this is the idea of this roadmap: working towards compliance. There is a table in there that says, "This is the scale of what needs to happen to get to compliance by 2020", but it does say, if you want to get there by 2020, it is possible, but requires substantial investment from the Government in terms of grants and helping people adopt cleaner vehicles. It is difficult for TfL without that backing from the Government to put out a document that says, "This is what needs to happen by 2020", because the implication is that TfL is going to deliver that. However, we do say it is possible and we will be reassessing the scale of change that needs to happen to reach compliance by 2020.

**Darren Johnson AM (Chair):** The ruling was very clear that it was all about acting as soon as possible. Why, then, is everything always in nice round numbers: 2020, 2025, 2030? Surely, if measures were being done genuinely as soon as possible, it would be a little bit messier than that, would it not? It would be 2018, 2019 and 2021.

**Sam Longman (Environment Policy Manager, Transport for London):** It is a very reasonable point. The answer is that the approach taken was looking at the scale through an estimation approach. It is not an exact science. We are looking at NO<sub>x</sub> emissions coming out of vehicles. The legal limits apply to NO<sub>2</sub> concentrations, which come from NO<sub>x</sub>. This stuff is basically swimming around out there like a big sea and it is very difficult to build a model to predict exactly when all the areas of London will become compliant.

We did not look at it for every year because it is not that we know that if you deliver the 2025 package you will definitely be compliant by 2025. It is setting out the scale of the change that we think needs to happen and we believe that change is about right. It could be that we become compliant by 2024 or 2023 if you implemented those measures. If you pulled the levers a bit harder and you had more vehicle kilometre reduction, you could bring that down. It may be that it is a bit later if those measures are implemented but are not as effective as you would have hoped.

The short answer is that it is not an exact science but the scale of reduction that is described in TERM is about right and it shows the change that society needs to make in order to reach legal limits.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Some of the measures very much need to be part of the wider Government action. We talked about road user charging in the document and that would only be acceptable across London if it is part of a national scheme. Clearly, there is a way of --



**Darren Johnson AM (Chair):** Could it be done in London using the existing legislation in the GLA Act on congestion charging as the LEZ has done --

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I would have thought it could be done legally speaking but it would be - as the civil service would say - a "very brave" Mayor who brought in road user charging while all the other taxes on motoring continued: VED, fuel duty, etc, rather than being part of a national scheme where you abolish those motoring taxes and switch it all to pay-as-you-drive in a fiscally neutral way. Of course, as vehicles do become more efficient and the tax-take from fuel VAT and fuel tax goes down and down all the time, the Treasury should do it pretty quickly. Otherwise, when they do it fiscally neutrally, the graph is going down all the time. If they want to ensure the Treasury gets a take --

**Darren Johnson AM (Chair):** While there is still some yield to grab?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Yes. That was an example of what we need from the wider Government.

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** I was just going to add that, of course, the TERM has focused on transport. There is huge potential in terms of reducing transport emissions and transport emissions are a very large source of NO<sub>2</sub> pollution in London.

It is important to remember, however, that you still have around 40% of emissions coming from other sources as well and we have a broader package of measures in addition to the transport side. For construction sites, for example, where they use a lot of non-road-going machinery, in 2015 and 2020 we are introducing standards to reduce their emissions. It is important to bear in mind that buildings are a major source. Industrial activity in the capital is a source and also aviation we have mentioned. Therefore, it is important that we tackle all of these sources and some of the additional measures we are looking at in those areas will provide additional reductions in emissions over and above those that have been included in the TERM.

One of the things that we are particularly excited about is the way that the Mayor will be using his statutory powers through a revised process in London for Local Air Quality Management, which will both incentivise and support local authorities to tackle some of the local hotspots and which, again, as Matthew [Pencharz] said at the beginning, is part of the 'every little helps' approach that we are taking.

**Jenny Bates (Friends of the Earth):** Hearing what Sam [Longman] was saying, he is absolutely right about reducing vehicle kilometres and the ways he suggested when talking about the planning process. That, to me, is a key thing to do. You top-slice the problem by reducing the need to travel in the first place. It is how you regenerate and how you develop and that cuts down journeys. You try to make it so that as many journeys as possible are ones that can be done by walking or cycling and then you improve public transport for the longer journeys. That is certainly the right approach there.

To that end, the minor alterations going through on the London Plan, which are off the back of the Government's requirements, are a real issue and I raised in a meeting about it that that whole aspect should be rethought because it was being planned before this Supreme Court judgment and, to my mind, that changes it. I will be putting that in my submission to the parking standards thing. You cannot be relaxing parking and meeting limits as soon as possible. It does not fit.

Certainly also, on the modal shift, that is a key aspect. One of the Healthy Air Campaign policy call items is to increase the proportion of local journeys to be made by walking, cycling and public transport from 40% to 80%. That would really help.

However, what has been euphemistically referred to as various things - I think it was 'at point-charging' or something - is essentially road user charging, pay-as-you-go. A Londonwide scheme for effectively a congestion charge for the whole of London was proposed by a Green Party report at one point. In the London Plan, the Mayor is reluctant to take action, but that is absolutely an essential part of reducing vehicle kilometres and vehicle journeys across London. It should be looked at, as well as the stuff that TfL is looking at, which is good, like car clubs.

As I said, one of the other approaches is rethinking things that would be deliberately adding to traffic. There is talk of an orbital road under a large part of central London and these east London river crossings. We cannot just add to the problem. You could be helping all road users, including business, if you actually took a solution that was cutting traffic. If you cut traffic, you are cutting congestion and business does not want congestion. If you add traffic, overall, the area will have worse congestion. More traffic will mean worse congestion, even if the pattern of congestion will change. However, if you have a non-vehicle package of measures, you are freeing up space for the essential journeys that do need to be done by vehicle. Nobody is saying there is not an ongoing role for the car. There is. We are not saying, "Close all roads in London". We are saying that you add to the problem by increasing traffic and it is much better to look at an alternative package. The more the population is set to increase, the more important that is. You need to capture those potential new journeys by non-road options and then you are freeing up more space on existing crossings and capacity by taking non-essential journeys off them.

**Darren Johnson AM (Chair):** Let us hear from Hackney. Councillor Demirci?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Boroughs and local authorities are working very hard to bring about the modal shift towards more sustainable forms of transport. In my own borough, 15.4% of the journeys to work are done on bicycles and we have many policies in place like our planning policies where we encourage car-free developments. We have set up, with the help of funding from TfL, zero-emission networks.

However, ultimately, Chair, all parts of Hackney are still exceeding NO<sub>x</sub> levels. I have a map here. The borough is still predominantly covered in red. We will continue improving cycling facilities in the borough. We have just introduced emission-based parking charges and the income will be ploughed back into more sustainable forms of transport.

That will go only so far to improve the air quality, however. We do need a more comprehensive measure that will cover the whole of London because we cannot stop the through traffic going through our borough. Therefore, whilst the boroughs can do it and are putting in measures to improve air quality, we do need the Mayor to act on it.

**Darren Johnson AM (Chair):** We are going to look shortly at a package of additional measures that may be needed.

**Andrea Lee (Healthy Air London Co-ordinator, ClientEarth):** I just wanted to make a quick point. Obviously, economic costs have to be considered and the costs of implementing such measures. However, I would just remind you of the fact that there are costs of air pollution on society as a whole. There have not

been a lot of studies on this but, for instance, the Mayor's Air Quality Strategy says that the economic cost of the health impacts of poor air quality in London is about £2 billion. That was estimated on Defra's own estimates of £20 billion a year overall in the UK. Therefore, it is one of those areas where we definitely need to look at moving into prevention to save costs in some areas by spending to prevent sources of air pollution in the first place.

**Darren Johnson AM (Chair):** That is a good point that we need reminding of.

**Stephen Knight AM:** Thank you, Chair. I just wanted to follow up with Matthew the points he made about wanting to see a change to the VED banding for charging. I wonder if you could say how quickly you would like that to be introduced and what kind of change you would like to see. Presumably you are lobbying Ministers on this as we speak?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It has taken us around 14 years to get to where we are now. When did the Government make the decision? 2001? Yes, it has taken us around 14 years to get to where we are now. I hope that on the other side of the election, when perhaps Ministers are more willing to take braver decisions, we can reopen those conversations and hopefully make more traction.

I feel that it needs to be reasonable because Steve [O'Connell AM] has quoted some detail about how people were advised to buy diesel up until about this time last year. Actually, it was arguably the Mayor's leadership that finally tipped the conversation. People have been talking about it for a while. I accept that but --

**Stephen Knight AM:** What do you think is reasonable? Is it next year or is it 2020?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It needs to be over time. We need to unwind these things. It has taken 14 years to get to where we are now. How reasonable is it for somebody who has just bought their diesel 18 months ago or a year ago, before they saw *The Sun* saying 'diesel weasels', when it really hit the public consciousness in the last nine or ten months? Is it a reasonable thing to do to people? It can be extremely regressive for poorer people who have bought a car in good faith believing - because they were told - that it was the right thing to do. Suddenly, everything has changed and you whack them with a huge increase in charges and one thing and another.

This is why we need to give a warning. This is why we feel five years is decent warning on the ULEZ. We also feel that we need a timeframe. That is less than a decade but more than two years. It can be done over time. Budget by Budget, you can unwind it. The Chancellor can make a clear statement that we will do this over time so that people know it is happening and they do not wake up one morning in six years' time and suddenly see it has all flipped. It is unwound over time with that kind of measure.

**Stephen Knight AM:** You would like to see a gradual change to the charging introduced?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Yes, not over 14 years, but certainly over a half-decade or so it would be a reasonable thing to do.

**Stephen Knight AM:** Just to be clear, are you suggesting that there should be a gradual change starting now or are you suggesting people should be given a five-year warning?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** No, a gradual change now over time.

**Stephen Knight AM:** Now? The Government should start now to change the bandings?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Yes, if I were Chancellor of Exchequer, it is what I would do.

**Stephen Knight AM:** You would start now? Good. Thank you.

**Murad Qureshi AM (Deputy Chair):** Can I come to you, Sam [Longman], on one of the proposals under the TERM? Clearly, the ULEZ is a key component of that. I did take note, though, that during the pre-election period we also had another judgment made by the Advertising Standards Authority (ASA) upholding a complaint made against TfL about your ULEZ consultation and the claim that it will reduce vehicle pollution by half. If Simon Birkett [Director, Clean Air in London] were here, you would hear it more clearly from him. I am surprised he is not, actually.

What is TfL's response to that? When I raised it with the Mayor, he did not seem to know too much about it last week.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I am appointed by the Mayor. I can answer that.

**Murad Qureshi AM (Deputy Chair):** Could I ask Sam?

**Sam Longman (Environment Policy Manager, Transport for London):** The judgment was about the terminology that was used. The difficulty is that we only have a short amount of time to describe to people what the proposals are. Also, it points people to the website where they can find out a lot more detail. There, it describes in detail the reductions in the different types of pollutants. The judgment said we cannot run the advert again, but the ULEZ consultation has finished and so there would not be any reason to do that anyway.

**Murad Qureshi AM (Deputy Chair):** You are not going to appeal, though?

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** The absolutely critical point in the judgment was that in describing air pollution the ASA felt that carbon dioxide (CO<sub>2</sub>) should also have been included in that description. That is not in keeping with professional best practice in the air quality world. CO<sub>2</sub> is not an air pollutant; it is a greenhouse gas. CO<sub>2</sub> is also not legally recognised as an air pollutant in the Ambient Air Quality Directive. Therefore, the ASA ruling, in our view, was misguided. It argued that CO<sub>2</sub> should be included. CO<sub>2</sub> is reduced by the ULEZ by around 15% - that is clearly not half. Therefore, on that basis, the ASA said that the claim that the ULEZ reduced vehicle pollution by half was misleading.

However, if you look at the NO<sub>x</sub> emissions, if you look at the particulate matter (PM) and if you look at those emissions that clearly are air pollution, you can see that you are reducing vehicle exhaust emissions by more than half. The ASA clearly accepted that in its ruling. Its basic point was that many people would consider CO<sub>2</sub> as a vehicle pollutant and should have been included. It did not question our methodology. It did not question our numbers.

**Murad Qureshi AM (Deputy Chair):** OK. You will not be appealing against that decision and you are happy that it is closed?

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** The matter is closed, yes.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** As far as we are concerned, the matter is closed, but it is an unfortunate misunderstanding of what is a pollutant and what is not a pollutant from the ASA.

**Murad Qureshi AM (Deputy Chair):** Yes, I do not disagree. If you go to green groups, for example, and lobbying groups, they emphasise CO<sub>2</sub> more than the local pollution issues we have around Heathrow. That is the kind of thing. Politicians will balance that. Nonetheless, it has been incorporated here and it does not bode well for the ULEZ consultation, although I do accept the technical points.

Matthew, it is quite clear that the Environment Committee and the Mayor agree very much on the air quality impact of an expanded Heathrow. I will just inform you that the Environment Committee has been on the case on this for a few terms. When we did our report *Plane Speaking*, we made it quite clear that even in the present circumstances when Heathrow is not expanding, there is still an impact certainly on air quality, because of passenger number expansion. I will come back to that.

What I want to do is come back to our legal colleague, Anna Heslop. It is quite important that we get this clear. What I need to establish is to what extent the Supreme Court judgment infringes on the expansion of Heathrow Airport as presently being assessed by the Airports Commission, both the longer runway and the additional runway?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** Any major development is going to have to be compatible with the UK's obligation to comply with limit values. The Directive requires you to comply with limit values in as short a time as possible. Any decision-maker considering whether to consent a new development is going to have to have that in mind when they consider whether they can consent that or not.

**Murad Qureshi AM (Deputy Chair):** You are saying, basically, that the Secretary of State for Transport, even if the Airports Commission comes out in favour of Heathrow expansion, will not be able to sign that off in light of the Government's obligation to improve air quality across the country, let alone Greater London?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** In terms of the Ambient Air Quality Directive that will only be an issue in respect of the areas around Heathrow that are going to be affected by any airport expansion in terms of the limit values.

I cannot say because I do not know what the decision-maker will be able to do and what evidence will be before the Secretary of State for Transport when he takes that decision. It depends on what is in Defra's new air quality plan. If it comes up with some hugely ambitious air quality plan that halves the pollution around Heathrow as it currently exists, then it may be possible to build an expanded airport there. However, I cannot tell you whether that is going to be feasible or not.

**Murad Qureshi AM (Deputy Chair):** In some ways, what I am trying to do is make Sir Howard Davies [Chair, Airports Commission] aware of what could be down the track in a legal sense. We know what it is going to mean in human impacts, but very often here at City Hall we do not hear the impact of air quality in places like

West Drayton and the villages around Heathrow. It is very important that we should do. Sir Howard Davies does need to be made aware of what the Secretary of State is obliged to look into.

One of the interesting things about Heathrow is that the Department of Transport has the responsibility to monitor noise. It does not actually monitor air quality. Does that make it any more difficult for the Secretary of State to make that decision given Defra is going to be leading on that or does it mean, obviously, that it will have to do it in collaboration with him?

**Anna Heslop (Clean Air Lawyer, ClientEarth):** One hopes that any decisions like that are made collaboratively in the Government and so, yes, I would expect a Defra minister to be involved. Even putting aside air quality, I would expect a Defra minister to be involved in that decision because there are biodiversity issues, there are noise issues and there are all kinds of other issues there.

**Murad Qureshi AM (Deputy Chair):** Matthew, coming back to your submission. It was interesting how the Airports Commission framed it. It very much seems as though it was the last thing it considered, given the time it has had to look into this issue and it is not a new issue, as we all know. It has put up a few odd straw men, so to speak. It was more concerned about air pollution in central London than immediately around the airport. How have you addressed that issue in your submission?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** You have made some perceptive observations in your question, really, Murad. Yes, it all seems to be a bit late. The Supreme Court judgment came in and suddenly [Sir Howard] Davies and the Commission thought, "Crikey, we need to do a further consultation", and it was very quickly done. Our submission opens with, "This is a ridiculously short timeframe in which to prepare pretty detailed modelling", etc. We feel that the Davies Commission is almost on its head. Its straw man needs a little puff and it is going to blow over, probably. It is pretty deeply flawed. We need to do some pretty detailed work around that.

Heathrow, as the Mayor keeps saying, is simply in the wrong place. Let alone the fact that it has all the traffic going to Heathrow, it also has the M4 going past it and so it has a background level that is already relatively high because it is one of the main roads out of London. Then it has all the traffic and the logistics traffic and the rest of it, which Heathrow of course will often say, "It is not to do with us", in that it perhaps is not going to the airport, but the reason those logistics hubs and those vehicles are driving around is because of the airport. If you were to expand it and increase flight movements by whatever percentage they would seek to do with another runway, one would assume those logistics movements would move. Not directly, and it would not be a linear progression, but you would have a certainly noticeable increase in traffic movements.

Therefore, we certainly feel that the Commission have not properly looked at air quality, although it had quite an important part in our original environmental submission when it was doing the rounds a while ago. The fact that it was tagged on almost as an appendage or whatever because of my fellow panellists' success in the Supreme Court does suggest that it has not been thought through properly, we would suggest.

**Murad Qureshi AM (Deputy Chair):** Yes, that is true. I get the sense it was an afterthought and something that they realised they had not really ticked off before they made the decision. I am not going to give them the benefit of the doubt, either, because this issue has been hanging around for a long time. It has been here since I have been here.

Just finally, just to make sure that we are concurring, can you confirm that in the Mayor's mind the new runway would make Heathrow breach the limits and make it worse in London?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** He has made that quite clear. It was remarkably robust language that the letter to Howard Davies used, and obviously my colleague Daniel Moylan [TfL Board Member] was on the radio last week or at the beginning of this week discussing all of this. It is very much the Mayor's view that at Heathrow there is a noise issue to do with those residents in west London and maybe flights right over Stephen's [Knight AM] house. Then there is also the air pollution thing, which is a very serious legal obstacle for them to overcome. If you see the way in which ClientEarth has followed this campaign for half a decade, as I think you said, I am sure there are lots of people queuing up with Heathrow and the Davies Commission. I know that Gatwick itself has already mentioned something about seeking the legal view about Heathrow being able to delay compliance with legal limits and the Government getting within the limit values around that area.

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** Just to give you a bit of a flavour, this is based on the Davies Commission's own methodology and analysis. We question its accuracy for a number of reasons. However, even using those assumptions, based on the expansion of Heathrow and the preferred offer, what you will end up seeing is Heathrow actually being one of the most polluted places in London by 2030. You can see in some places as much as a  $12\mu\text{g}/\text{m}^3$  increase in  $\text{NO}_2$  concentrations. It is a very pessimistic scenario that it is presenting and it is trying to present it in the most favourable way for various reasons. Obviously, we did hear about the potential to mitigate some of those increases and definitely, to some extent, it is possible. However, the measures that you would require to actually bring about those reductions would be on a scale we have not implemented before in London. Therefore, it does very quickly become very difficult to see a viable path to expanding Heathrow without a very significant deterioration - in the medium term, at least - in terms of air pollution.

**Murad Qureshi AM (Deputy Chair):** Thank you, Elliot, for elaborating on the point that I could not quite make. They have put up information that in itself is inconsistent. Whilst I am grateful in some ways that they were concerned about the plight of people living in the Marylebone Road, they should really be concerned more about people's plight in West Drayton and the villages off the Bath Road. That seems to be the least of their concerns.

**Darren Johnson AM (Chair):** This Committee and the Mayor are absolutely at one on the issue of Heathrow expansion. We are going to move on to further measures and Stephen Knight. Thank you.

**Stephen Knight AM:** We have heard from Matthew [Pencharz] and the GLA and TfL that the Mayor's strategy is doing everything possible to clean up London's air. Now I am going to turn to the issue of whether that is true. Is there more that could be done? Could we move faster and more rapidly?

I wonder if I can turn perhaps first to Jenny from Friends of the Earth. Are there issues or proposals that you think the Mayor could take to move faster and further and to bring compliance sooner? Do you have any comments? I want to try to structure it in some way. Do you have any comments around the whole issue of the ULEZ as currently configured and vehicle emissions in London more generally? What do you think on that issue?

**Jenny Bates (Friends of the Earth):** Thank you. Yes, I would say that, first of all, there is an enormous amount that needs to be put in place from the top down and that is from you and from the Government. Matthew [Pencharz], Elliot [Treharne] and Sam [Longman] are right that some of the big-picture stuff has to be done by Government incentives such as road tax, dis-incentivising diesel and a scrappage scheme. We have to help people make those transfers. Nobody is saying that London can do everything and we would

absolutely support that and we need to, with one voice, try to make the Government realise that that is where it has to put its funding. As Andrea [Lee] was saying, you are investing money but you are saving not only huge amounts of misery and early death but also completely wasted money on unnecessary National Health Service (NHS) spending. You would be taking pressure off the NHS, which is what we all desperately need to do at the moment.

Therefore, yes, but, having said that, there is a lot more that London can do and, as I have tried to say before, we have to do everything we can to improve it and not worsen it. It is ramping up everything to help making walking and cycling safer and easier and public transport more affordable. I mentioned the Health Air Campaign policy call for an increase from 40% to 80% in local trips to be made by non-road modes and Londonwide pay-as-you-go road user charging, as well as certainly the making the LEZ cover the whole of London. That could be increased to include cars as well and it has not been. On the ULEZ, as you have been talking about, yes, there has been consensus around that from the Assembly and from boroughs that it could be done not only sooner but also be stronger and bigger, to include boroughs that want to be part of it. All of those things need to be done concurrently.

**Stephen Knight AM:** You would say to introduce it before 2020 on a geographically bigger area and strengthen it in terms of --

**Jenny Bates (Friends of the Earth):** And strengthen it in terms of the requirement. It is not banning the worst diesels. It is only charging them, but it needs to be done together with Londonwide congestion charging. There is actually quite a lot of buy-in from businesses about that sort of Londonwide road user charging, pay-as-you-go, because they recognise that if you help modal shift and if you cut vehicle kilometres and traffic levels, the people who need to be on the roads, the essential road users, would be helped by getting people who do not need to be there off the roads. That would help those businesses that do need to move around. It helps everyone if we can get traffic off the roads.

**Stephen Knight AM:** Do you have a view in terms of how the measures that London is proposing to take compare with what other European cities are planning? We hear about potential diesel bans in Paris and Berlin, a progressive ban across the whole of France and Antwerp, I think, is going to ban diesel. Do you think that we are moving as fast as perhaps we could in terms of what other European cities are doing?

**Jenny Bates (Friends of the Earth):** No, I think not. As I say, the examples from Paris and Berlin show that more has been done and is going to be done more urgently. We could be making more roads traffic-free. The Cycle Superhighways are finally reallocating road space away from motor vehicles, which is exactly what they need to do and which was never proposed in the original Cycle Superhighways. That is the right sort of thing.

When you increase road capacity, you increase traffic and overall congestion gets worse. If you take away road space, not all that traffic goes somewhere else. There is traffic disappearance. Overall, it will reduce traffic levels and reduce congestion. It is that sort of stronger, bolder measure that we do need to be looking at.

If the reason for not putting things in sooner is for fear of having to think about people who would need to change their vehicle and that sort of thing, it is an understandable thing to think about, but we have to have the mechanisms to help them do that. We have to be strong and bold and we have to get the funding from the Government and the requirements to help the transition. However, it does not mean that we do not need to do it and much sooner.



**Stephen Knight AM:** Thank you very much. Can I move on and ask Councillor Demirci to tell us a little bit about what you think? I think you have a view about the geographical scope of the current proposed ULEZ and you would like to see it widened. You would like to see your borough included. I know a number of other inner London boroughs are keen on that. Do you think it could be introduced from 2020 or even earlier across your borough as well as the central London zone?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** We think that for it to come in in 2020 as part of the ULEZ, the work needs to be done now. We were talking to TfL and any expansion and new measures would not come in at the same time. They are likely to come in after the ULEZ comes in because it will require a lot of work, because, as I said earlier, a lot of the current ULEZ is within the existing Congestion Charge Zone and you have the cameras and you have the infrastructure there already. Any expansion will be costly and will require additional infrastructure.

**Stephen Knight AM:** Do you think it takes five years to put those cameras in or do you think they could go in faster than that?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** No, I totally concur with Jenny [Bates]. It could be done. It could be bigger, faster and better. A lot of inner London boroughs do feel they should be brought in sooner. I am going by what TfL has told the boroughs.

To make sure that we are treating our residents fairly, we do need to make sure that we give them notice so that residents know what is actually coming towards them. We need a way. We need TfL to accept that expansion of ULEZ will improve air quality in outer London boroughs because, by its own admission, it has said that the current ULEZ will not enable the outer London boroughs to meet their EU air quality targets for NO<sub>x</sub>. We need that acceptance. We need the work to be done now. For any expansion, the work needs to be done now so that our residents have enough notice about it going forward.

**Stephen Knight AM:** The sooner we get on and make decisions about expanding, the better?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Absolutely.

**Stephen Knight AM:** You mentioned parking charges and I am aware that at least one borough, Islington, is introducing a diesel surcharge on its parking permit charges. I think it is within a couple of weeks. I think it is due to come in on 16 June this year, not in 2020 but on 16 June 2015. That was a decision taken only in January and so we can see that some things can be done fairly quickly.

You mentioned that your own borough is looking at this as well. Do you want to tell us a bit about that?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Yes, sure. We have also decided to go along the route of emission-based parking charges as a way of trying to discourage the use of diesel vehicles. We are planning to deliver it over the next three years to give residents the opportunity to make that change if they can. The income that we generate from the charges will go towards sustainable forms of transport. It will go towards cycle training and cycle parking on estates and on our streets. That will come in from later on this year.

**Stephen Knight AM:** When does that start?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Later on this year. Anyone who is going to renew their parking permits at the moment will get a warning that it is coming in. As people renew their parking permits, they will be paying first half the charge and then the following year they will move up to --

**Stephen Knight AM:** I do not know whether you have done any analysis of what impact you think that will have in terms of encouraging people to shift away from diesel.

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** We know parking charges are used to bring about behavioural change in drivers and so we believe an increased surcharge will discourage residents to continue using diesel cars and will give them time, as we said, when hopefully they will make that change. It is an additional measure. It is an additional incentive. It is not the only way we feel that is the way to improve air quality in the borough.

**Stephen Knight AM:** Islington was the first to do it and you are doing it as well. Do you know of any other boroughs that are either looking at this or also planning to introduce a diesel surcharge?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** I believe boroughs are exploring a whole host of measures to improve air quality. I am not aware of any others that are in the pipeline at the moment.

**Stephen Knight AM:** You are looking at introducing this later this year. I do not know whether you have gone through a process of public consultation. Are you expecting any legal challenges to an extra charge on diesels?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** We are currently going through the consultation right now. We have not had any legal challenges. So far we have not had any very negative reactions from local residents.

**Stephen Knight AM:** You are fairly confident you will be introducing as per schedule?

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** I believe we have a good case for introducing the charges. We are able to demonstrate where the charges will go and so we are fairly confident.

**Stephen Knight AM:** I wonder if I can ask, Andrea Lee: Do you have a view about the sort of extra measures that the Mayor in this case could do - or indeed we have heard about something central Government could do - to bring the UK, and London in particular, into compliance over and above what has already been proposed?

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** Going back to ULEZ and touching on the need for it to really be more ambitious than has currently been proposed, it was implied in the consultation and in the TERM that things could be expanded and moved along. There is a danger at the moment because it has only been set for Euro 6 by 2020 that it is giving signals to the majority of people that this is a very static measure. As Matthew [Pencharz] was saying before regarding VED, if he could he would start changing it from now to start giving people essentially a heads-up of what is coming along, to give them the idea that there is not just the one technological fix or that they are going to get this level of emissions from their vehicle and that is it and that is fine. It is really important to start giving people and businesses a clear path towards a more zero-emissions road network and to plan for that, certainly tightening up the relationship between the

proposed ULEZ and also the LEZ for the whole of Greater London to ensure that it is really benefitting all Londoners.

There are issues in London with complying with the legal limits for NO<sub>2</sub>. We cannot lose sight of the fact that the World Health Organisation recommends lower limits than are currently set for PM. There is a nod to it - and TfL and the Mayor are aware of it - but we really want to see how we are going to get towards achieving the World Health Organisation guidelines.

There are a range of measures. As Jenny [Bates] mentioned, there is a big picture to bear in mind, not just from the UK Government level but also in terms of rethinking how London is essentially organised and how it works, moving away from thinking that the majority of people have to travel into central London every day and then travel back, which causes a lot of issues. Essentially, it is not trying to just rely on the technological fixes of cleaning up the transport system but really thinking about ways of reducing the need to travel and improving Londoners' lives overall so that they can be in more decentralised areas, which will have many other benefits including building up community cohesion in that sense.

**Stephen Knight AM:** More home working. Perhaps the Mayor should have a campaign, 'Work From Home on a Friday' or something.

**Jenny Bates (Friends of Earth):** The Olympics was an example of that and worked really well. Those are lessons we can continue, and it benefits a lot of people.

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Chair, I mentioned in my earlier submission about a project we are running with the support of the TfL's zero emission network, which we initially started in Shoreditch. We are basically working with businesses to change their behaviour. This has now been expanded to both Tower Hamlets and Islington. Whilst this is a trial, it is about making sure these projects do become permanent so that it is ongoing as opposed to just on trial periods.

**Stephen Knight AM:** I would like to put some of these points, if I may, to Matthew, Elliot [Treharne] and Sam [Longman], in particular points about the speed of introduction and the geographical scale of the ULEZ.

If we talk first of all about the geographical limits of the proposed ULEZ, the Mayor interestingly said at MQT last week that he was perfectly open to ULEZ being as big as boroughs wanted. It was a slightly different message - certainly from 2020 - than TfL had been saying up until then. Do you want to clarify first of all how big the ULEZ will be, and can be, from 2020 and whether boroughs can join in if they wish to, like Hackney?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Can I first put the praise on the diesel parking charges in the right place? It was actually Daniel Moylan at the Royal Borough of Kensington and Chelsea (RBKC). It was the first borough to bring in the diesel surcharge. It is interesting to note that other boroughs have been following Daniel's --

**Stephen Knight AM:** When that was introduced?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** A few years ago; I am told over a decade. I do not recall. It was actually RBKC. It is obviously our view that we are broadly in favour of boroughs doing things like that if that is what they chose to do. It does need to be reasonable and proportionate. Islington's was very quick. How reasonable and proportionate it was is a question for its members and its residents. It is interesting to hear that it sounds like Hackney is phasing it in over a slightly

longer time, which perhaps is more reasonable and affordable. It is our view also that it should be within the ULEZ rules and the Euro 6 diesel should not have a diesel surcharge in a way that Euro 4s and 5s or older ones should be. I thought it would be fair to get Daniel's [Moylan] name in the minutes.

When it comes to the ULEZ, in fairness, the Mayor did not really say anything different from what we have all been saying for quite a while. I have been questioned by the London Councils Transport and Environment Committee (TEC) by this. I think Councillor Demirci may have questioned me or maybe an Islington colleague, but I do not recall which now, and obviously I was here in front of the Committee a few months ago. We are all open to the ULEZ being expanded in due course. I understand that Sir Peter Hendy [Commissioner, TfL] is writing to the TEC shortly to start those conversations this year about how it can be expanded in due course.

It is worth saying about the reasonableness of expanding it at 2020 to Dulwich or Highgate or wherever within five years. I heard people say, "Bring it in earlier". Again, to repeat what I said a few months ago, Euro 6 diesels are only now appearing on the forecourt. We have to be reasonable about people who bought their cars perhaps 18 months or just a year ago and who live in Stoke Newington, for example, or Highgate or where I live in Brixton. Is it reasonable, proportionate and affordable?

**Stephen Knight AM:** Matthew, if the ULEZ was coming in next year or the year after, then I could see your argument that the inner London borough areas are not ready. The infrastructure is not there; residents are not aware of it. As it is, ULEZ implementation is five years away. Is five years not long enough to get all the infrastructure in place for a broader zone and to get all the communication in place for residents?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** In fairness to Councillor Demirci, she has touched on some of the costs already of what it would be to expand the ULEZ out. The Mayor did say in MQT last week that if we were to create a new boundary we might have a need for new automatic number plate recognition cameras, for instance, and that might be something for negotiation with the boroughs. There is an issue to do with where the cost lies and how we deliver that. This is quite a long conversation that we need to have.

Some of the ballpark figures that we have done might be different if all the boroughs were involved but Islington, it appears, is not interested in actually having its entire borough up to Highgate in the ULEZ at the moment. Wanting a scheme design in Hackney would cost £2 million. The cost of the Western Extension Zone (WEZ) was £60 million for the capital cost of the equipment. That is a similar size to the London Borough of Hackney. It would cost £12 million to upgrade all the buses in Hackney for them to be Euro 6 hybrids or zero-emission<sup>3</sup> for the single-decks. There is obviously additional cost of all the compliance of all those people who live in LB Hackney.

Councillor Demirci is absolutely correct to say car usage is the lowest of all the London boroughs in Hackney.

**Cllr Feryal Demirci (Cabinet Member for Neighbourhoods, LB Hackney):** Yes, and it has gone down.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** There is still going to be a substantial number of poorer people who have just bought their cars and who will be captured in 2020 by this charge. We feel that to have all of inner London brought in by 2020 is not a reasonable, proportionate or affordable thing to do.

---

<sup>3</sup> After the meeting, officers clarified that the £12 million figure quoted here only includes upgrading single-deckers to Euro VI standard, and that the cost of achieving zero-emission standard across that fleet would be significantly higher.

We have been saying consistently and it is good to hear that Sir Peter [Hendy] is now following up with the London Councils TEC and as the Mayor has been saying – absolutely right, but in due course. I will probably not be here when there is the next Mayor, but I expect the ULEZ will be expanded in due course to those boroughs who wish to join. Is that a reasonable thing to do in 2020? We actually feel it is not. It is hard to overemphasise what a strong regulatory lever we are pulling.

I know I hear people on my right at the table here saying, “It is not strong enough”. We are saying that in just under five years, every diesel vehicle has to be five years old or less or you pay a pretty punishing charge. That is no small thing to do when it comes to all the white vans driving around, the coaches, the school trips, etc. The numbers of letters we are already receiving where people say, “I take a school coach once a year and I have been lumbered with the charge”, for example.

**Stephen Knight AM:** Matthew, people are aware of some of these impacts. Indeed, if you look at the parking surcharges, then there are exemptions for commercial vehicles in some of the boroughs. One can deal with some of these issues.

I want to bring you back to this issue of timeframe. You said earlier that in terms of reform of VED charging, you wanted it to start now and be progressively phased in over a period of five, six or seven years or something like that. In Hackney they are starting now with changes to parking charges and phasing it in over a couple of years. Islington has gone for the big bang straight away.

Why can we not introduce charges on diesel vehicles in central London starting now at a low level and phase it in over years? You are not hitting people with a punitive charge from day one but you are giving people an incentive, as soon as possible, to start thinking about changing their vehicles. An incentive, if they are going to the forecourt tomorrow to buy a vehicle, “Actually, from next year it will cost an extra pound a week to drive a diesel in central London and so perhaps I will go for a petrol instead”. We could start much sooner and gradually phase something in, could we not, rather than waiting for a big bang in 2020 when we have five years of emissions to worry about.

**Sam Longman (Environment Policy Manager, Transport for London):** I want to respond some of the points that have been made. We are focusing on ULEZ quite a lot, which is right. It is a big hitter. It is going to be a step-change in air quality. However, we have been clear there is more to be done.

We have to remember a couple of things. Firstly, there are going to be benefits from ULEZ right from the outset. We started to buy the new buses from this year. People will be aware the new scheme is coming and will be thinking about what vehicles they are going to buy next. We start to see the cleaner vehicles getting onto the roads now. It is about giving people enough time to plan. If you are a business, some of these heavy goods vehicles, for example, are hundreds of thousands of pounds. They need to plan their procurement so that they can adopt the clean vehicles. There are also benefits outside the zone. We have talked about that before. To access the ULEZ, a lot of these vehicles have to travel through outer and inner London. In Hackney itself, we produced a borough fact sheet that shows there will be 65% fewer people living in areas of exposure in Hackney as a result of ULEZ. There are around 1,000 buses that travel through Hackney on 43 routes. We are upgrading 700 of those to bring the total buses at ULEZ standards to 800. There will be a 17% reduction in NO<sub>x</sub> emissions [in Hackney].

Matthew is right; we are not stopping there. We are, from this year, as Sir Peter Hendy has said to London Councils TEC, going to be doing the feasibility work to look at options for a wider ULEZ. At the same time we will

also look at options for tightening the Londonwide LEZ. It might be more effective to do that rather than spend the money putting in the extra cameras to expand the ULEZ.

**Stephen Knight AM:** I am glad those are being looked at. Clearly TfL cleaning up its own fleet is something it should be getting on with straightaway. I am glad some of that is happening already. Some of us would like you to go even further and faster, I am sure. That is a separate issue.

My concern here is about the incentives that we give to individual car buyers over the next couple of years who are on the forecourt looking to buy a new car. My colleague went to buy a car the other day and asked for a petrol. The person selling their diesels looked at her rather strangely and said, "I will have to see whether we can do a petrol model, madam". We are not getting the message out there, are we? Anybody buying a vehicle in London today should be going for a petrol vehicle, not a diesel vehicle.

If we had charges, albeit at a low level initially and phased in, starting very soon, then people would get the message very quickly. We know from the 14 years of emission-based charges that that policy lever really worked in terms of encouraging people to go for low CO<sub>2</sub>-emitting vehicles. It worked. I am sad it worked in the wrong direction in terms of air pollution, but we know those levers work and so let us use them straightaway and push people away from the higher emitting vehicles. Is that not the obvious solution? As you said for VED, you start as soon as possible and do it gradually.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** The first thing to say is the message is now out there about how diesel is not the best technology if you are doing urban driving and you live in areas where congestion is relatively high and if you have to stop and start. It is worth pointing out that diesel might be the right technology if you live on the edges of London in the outer suburbs and you drive up and down the motorway a lot. One should not say diesel is 'demon diesel'. However, it is not good for urban driving. Having all these smaller urban designed diesel cars stopping and starting all the time is not good news. It is not really what they are designed for. They are designed more for doing long distances without stopping very much.

We have consulted on and decided to go down a path which set a pretty fierce regulatory lever in five years' time. We started this conversation two years ago so we gave seven years notice. The stories are now out there. *The Sun's* headline in July and August last year, "Diesel weasels", was a real step-change. You saw a sudden change in the conversation. It is great to hear that your friend has hopefully succeeded in buying a petrol.

**Stephen Knight AM:** She did.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I can tell my anecdote of a fellow dad at the nursery who similarly, rather embarrassingly, heard me on the radio as he was driving to buy his new car and bought a petrol. It shows you we have some success.

I see what you are saying, Stephen. Of course, the motoring manufacturers are a bit behind the curve perhaps on this in some of their messaging and what they are saying, in your friend's case of trying to buy a petrol car. The conversation has changed in the last ten months. That is because of the Mayor's leadership on this issue, on what the ULEZ meant and demanding a Euro 6 for diesel and a Euro 4 for petrol because it was an emissions-based policy. Those vehicles pump out a similar amount of NO<sub>x</sub>. It is only fair to give people warning. It is a much bigger lever we are pulling, that charge every day, than on VED, which is over a whole

year. It is the quantum of what that charge and how much that is and what is reasonable, proportionate and affordable, as I said last time.

**Stephen Knight AM:** That is the point, is it not? You could start £1.00 a day or 50 pence a day. The Islington charge works out at 26 pence a day if you average it across the year. I do not know what the Hackney charge is. You could start something like that in six months' time on the congestion charge and then gradually over the course of five or six years make it into the punitive ULEZ.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** That is a statement rather than a question. We could have done that but we chose to go down this thing to do with a five-year notice period.

Also, there are a lot of rather boring technical things about that as well such as fiddling with the cameras and the back-office stuff. It is pretty boring and technical but it is pertinent when it comes to building a complicated - and, by the way, world first - scheme.

**Murad Qureshi AM (Deputy Chair):** There is one thing that always strikes me at TfL, actually. You seem to be stuck with a particular technological hitch, the video cameras reading the plates. It is almost ten years out of date now. There are better systems around the world. If we are going to expand the ULEZ beyond the Congestion Charge boundaries, which is what the first port of call was, surely we need to get over how to pick up cars coming in and out of a future ULEZ similar to what they do in Singapore with congestion charging. Has that been realistically looked into, given congestion charges are ten years on?

**Sam Longman (Environment Policy Manager, Transport for London):** In reality our technology is out of date but it is still a very effective approach to operating in an ULEZ. We have it in place. We are already set up to do it. It is much more cost-effective than perhaps what you are suggesting, some kind of global positioning system (GPS) technology where everyone has to have something on the vehicle.

**Murad Qureshi AM (Deputy Chair):** Yes, there are plenty ways of monitoring vehicles.

**Sam Longman (Environment Policy Manager, Transport for London):** It is already effective. It is very effective at enforcing --

**Murad Qureshi AM (Deputy Chair):** It is capital intensive.

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** Just to jump in with a bit of a blast from the past, my first job when I was at TfL was actually working Congestion Charging on all the various different tests of 'tag and beacon' and everything else. Sam is exactly right. What we have does suit our needs.

It also links into what Matthew [Pencharz] was saying earlier. If you are to move towards a broad geographic area and if you are going to look at things like road user charging, the only way these things really work effectively and in an affordable way is if they are considered on a national basis, which might lead us into the next area.

**Murad Qureshi AM (Deputy Chair):** Coming back to Heathrow, the Mayor for whatever reason is keen on congestion charging around there. Is it not better to have the ULEZ extended continuously from central London out covering Heathrow?

**Sam Longman (Environment Policy Manager, Transport for London):** Cover all the way to Heathrow?

**Murad Qureshi AM (Deputy Chair):** It would go across local authority boundaries. That is one of the issues and I am not suggesting a solution. Clearly the movement along the Westway and the M4 are areas it would have to cover if it was going to cover Heathrow. Is that not far better than congestion charging, which ultimately would probably have to go to Heathrow Airport?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** The answer to Heathrow is not to expand and to leave Heathrow --

**Murad Qureshi AM (Deputy Chair):** We are signed up to that. We still need to get on top of the problem, though.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It is interesting that Heathrow has talked about a congestion charging zone around itself in some kind of desperation to get within the limit values. These things are all worth looking at in the wider scope of the TERM.

**Murad Qureshi AM (Deputy Chair):** We need a new Mayor.

**Jenny Bates (Friends of Earth):** There is quite a lot about the cost of what Matthew was saying and the implications. While it is right to think about for the user what the cost would be, we have to separate that from what the cost is to the GLA and to the Government. That is what should have changed with this Supreme Court ruling. Things have to be done quicker, stronger and more now. When you go to see the Minister today, the game should have changed. If you talk about what you need to enable some of the measures you have talked about, they should be more receptive. They must be more receptive because that is what has to change. We have to enable people to make the change quicker. It does not mean that the end user has to take a bigger hit, but we have to take a bigger hit. The GLA has to take a bigger hit, so that the end user makes those changes. I hope that is what the conversation will be about when you get there. We have to move stronger and faster.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It is worth saying that we are spending £330 million on the ULEZ. This is not money that is 'magicked' up. It does not grow on trees. It comes from tax- and fare-payers. That is the cost they are paying to implement ULEZ. There is also the cost on businesses. I heard Jenny [Bates] say the law is the law and we must be within these values tomorrow no matter what the cost is.

I am afraid to say that politicians - and you [Assembly Members] are elected, I am appointed, I am serving directly a politician - have to balance these things out, of getting within - as the Supreme Court says - as soon as is practicable. As Sam [Longman] said, "We can ban traffic", a bit facetiously. We cannot do that. Politicians have to balance out what is reasonable and affordable. We put a charge on tax- and fare-payers of £330 million, plus the compliance cost generally to businesses to accelerate their cleaner vehicles. That is a good thing. It is the right thing to do because it cleans up the air and also stimulates the low-emission vehicle industry, which is quite good too. It is also the investment that Geely has made in Coventry of £250 million to build our cleaner taxis. It just shows you where environmental regulation is also stimulating economic activity.

I just wanted to make a couple of points about Jenny's comments about the Silvertown link. There is certainly a point that when you build lots of roads they often end up full. However, there are certain pinch-points in the road network that are so unbelievably awful and actually create air pollution. You hear it on the radio



every day. James [Cleverly AM MP] probably suffers it far too often. The traffic is backed over the Woolwich Road flyover or even further down to the big interchange. One of the worst pinch-points in the entire UK, not just London, is the Blackwall Tunnel. A lot of the air pollution is caused by the stopping and starting of all that traffic backed up through Greenwich. It is right not only on economic development grounds to try and ease that particular pinch point in the network, but also on air pollution as well. You will have less congestion, less traffic backed up, constantly, every single morning up that road causing air pollution impacts around there.

As we go through the design, clearly, we are going to do some pretty detailed air pollution stuff. It will show they will actually have a reduction in pollution in that area. I know that Jenny [Bates] would disagree on that because they [Friends of the Earth] do not believe in road-building. I am afraid to say there are certain areas where you need to ease those pinch-points.

On the orbital roads the Mayor is talking about and the tunnels, where these have been built in other countries they have resulted in a reduction in air pollution because you have less congestion and less stopping and starting of traffic. You liberate space above ground, such as in Boston where, yes, the 'Big Dig' went on for a long time and was unpopular at the time it was being done but now, ten years after completion, it is a triumph. The green infrastructure and liberation of that space that was caused by this horrendous motorway and severance is gone because they buried it. This is the Mayor's vision and he is right about that. I know the Friends of the Earth do not believe in building any road ever, but that is not --

**Darren Johnson AM (Chair):** There is not time to debate this now. What we will note is that TfL's own projections have shown that on some roads there will be an increase and on some roads there will be a decrease. Is that correct, Matthew, in terms of air pollution?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It is not going to realistically get permission with all the legal challenges that it will inevitably get unless it has an overall reduction in the air pollution impact. In light of the Supreme Court judgment and everything else, we are inevitably going to be judicially reviewed, I would have thought, over the building of the Silvertown link. In order to clear that, clearly it is going to have to show to the judges and wider society that it will result in a reduction in pollution rather than an increase in pollution.

**Darren Johnson AM (Chair):** It is an important point, actually, but is going to have to be a debate for another day.

**James Cleverly AM MP:** This is something that has been touched on by a number of people a number of times this morning. Perhaps I could draw together a comprehensive ask. What things need to be done at national Government level to unlock this problem or help progress the pace that our guests think should be appropriate? Once the Government has done that, what else can be done collectively or in partnership with central Government to further progress this issue? Matthew, can I start with you?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** We have a menu of requests which have been in a number of letters. I am sure at some point we have given the menu to the Committee. I will run through them quickly: Ensure the fiscal incentives on VED encourage and promote the cleanest vehicles, so considering carbon and air pollutants. A diesel scrappage scheme, which we think should get at least 150,000 of the oldest and most polluting diesels. Obviously it would be nicer to get more but again money is not free; you have to be reasonable.

We feel that another Clean Air Act gives an opportunity to address other sources of air pollution. Elliot [Treharne] talked about a world first in regulation that London is bringing in in September for non-road mobile machinery, which is construction equipment that, by the way, contributes a remarkably high proportion amount of emissions in London. Think of the development of central London and all the construction that is going on. A lot of people are exposed to that and so we are bringing it through the planning system rather than through some other system. We feel it could be more robust. We are using the tool we have but there are stronger levers that the Government could give local authorities or itself through changing the Clean Air Act.

The Mayor has the Mayor's Air Quality Fund, which is £20 million to local schemes. Cllr Demirci referred to some of the ones we are involved with in Hackney. A lot of these are in completion now. We hope they will be, in small local hotspots, quite transformative schemes. You have perhaps an area where the air pollution is particularly bad where you also have a lot of people. It is good to see those coming through. We feel the Government should have a similar scheme. It has unfortunately been - and I understand this in a wider fiscal consolidation situation - reducing air quality grants. Again, it is a prioritisation of budgets. Perhaps the Supreme Court judgment will focus minds a bit. Certainly here in London I rate that up to quite a good scheme. With us putting some money in - TfL, the GLA group - with the local borough and Defra grants, you can have quite a tidy sum to do transformative schemes across the capital.

There is also some of the work through the Office for Low Emission Vehicles (OLEV). There are bidding rounds going in there for the £500 million pot. We feel that London has the air quality challenge, but also the scale and density of population, that show we can be a real exemplar for ultra-low emission vehicles in a way that arguably others parts of the country would find more challenging to do. We have a transit authority with TfL that can deploy the money and have it doing useful things as quickly as possible and really get that market going. London could spend all the money but we have to be reasonable. London should get a decent proportion of that.

It is also worth mentioning about buildings' emissions. The Department for Energy and Climate Change (DECC) has unfortunately not combined carbon mitigation with air pollution mitigation. In a similar way you could say that VED has done the same. We feel DECC could tweak some of their energy efficiency policies to take in mind air pollution impacts as well. That is central Government. I could go on and continue the menu but I will stop there.

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** One of the things Matthew was touching on is the fact there needs to be an across Government national air quality strategy. Responsibility at the moment lies with Defra but one of the biggest sources is from transport. There are also issues that are relevant to DECC, the Department of Communities and Local Government and the Department of Health. We really need to see the Government actually pulling together and making sure there is not a mismatch across different Government strategies, and that those departments that have powers and responsibilities over certain areas of emissions actually take responsibility for reducing them.

**James Cleverly AM MP:** I have long felt that central Manchester, central Birmingham and central London, particularly with regard to population density and traffic density, have more in common with each other than perhaps my constituency in outer London has with central London, with the obvious exception of the A2 and the Blackwall Tunnel in the morning which often stretches back all the way to the M25. That being my view, what appetite perhaps is there - and suppose again I will come back to Matthew first on this - for the big commercial, busy, and therefore more polluted, cities within the UK to work together on their asks of the Government to help deliver this agenda?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** It is worth saying that I believe there is a national framework that other local authorities could bring in LEZs similar to the London one if they chose to do so. It is interesting to note that they have not. Maybe the new Mayor of Manchester model, when that is set up, sets more of an opportunity, perhaps. Also, Birmingham is another unitary authority where there is the potential to do so. It is worth noting that these things are not cheap. They are quite expensive. Perhaps the individual boroughs in Manchester felt that individual ones could not pull it off because it is technically quite challenging. I cannot believe that my TfL colleagues would not be willing to help out with some of the best practice of how we did the modelling and the rest of it if they came to ask us.

Of course, Manchester did have a congestion charge referendum and that did not succeed. It perhaps shows some of the political difficulties that politicians have when it comes to bringing some of these things in, which goes back to my point to do with nothing is for free and it all costs money and time and effort.

**Elliot Treharne (Principal Policy and Programme Officer (Air Quality), GLA):** There is something I might quickly add on that. We already have partnerships in a number of cities and TfL already provides advice to cities like Manchester. We also work very closely with the Core Cities group, which obviously represents a number of major cities in the UK, to make common representations to Defra.

Also, at the European level we have been really very active in Euro Cities and creating a new group of the big urban regions to lobby the European Commission to make sure that at European level - which sets the Euro standards and shapes so much of the legislation that affects air quality - it is putting in the right measures. Those partnerships are actually crucial to the work that we do and are a very big part of our job.

**James Cleverly AM MP:** The final thing I would like to explore is how frustrating - and I have had quite a lot of this from constituents - people find it when they have been told pretty explicitly to go down a certain route for the good of the environment. They have gone down that route in good faith and then, having shelled out a whole load of their own money, are told that actually they are going down completely the wrong route and now they have to shell out a whole load more to do something different. I am conscious that for a lot of these proposals people feel they are being done to them rather than done with them. What can be done to bring people along on this agenda? Ultimately that is surely where success is going to be defined.

**Sam Longman (Environment Policy Manager, Transport for London):** I completely agree with the point you are making there. In order for us to do all of the measures we think need to happen, we do need a lot of financial support. We also need a lot of support from society. It is quite interesting when you ask people if they want to improve air quality that most people say yes. As soon as you propose a scheme that is going to directly impact on them, they are less supportive. It is really important that all of the education and behaviour change campaigns we do have that communication about why we are trying to do these measures so that when you come to propose stuff, you are not having to do all that education again. You have already that support.

For our low-emission neighbourhoods concept, it is founded on the idea that there is community buy-in. Some of the stuff that we want to do that has a real impact is difficult. You need to look at the parking and loading arrangements. You need to look at vehicular access. It is all very challenging. Unless you do that, you cannot free up the space to do the things we all want such as improve the pedestrian environment, more facilities for cyclists, more greening and realise the benefits we are all seeking in terms of improved air quality.

Also there is, in doing those measures, local economic benefit as well. This is the way we need to position all of this stuff. The more you can show people that actually it is not a choice between being a sustainable London and being an economically successful one, the two go hand-in-hand. Actually, in my view, the less we do to move towards a sustainable London, the further we will fall behind in the future as other cities progress more. We need to make that clear to Londoners and also to the Government, which is very concerned about needing to rebuild the economy. We need to show it that actually you can rebuild the economy on a sustainable path.

**James Cleverly AM MP:** Does anyone else want to comment on that?

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** A very quick point on the ULEZ consultation. It is worth noting this is a charging scheme, often not very popular, and yet the responses - I do not have the figures to hand but Sam [Longman] might remember - were remarkably in favour. When we did some polling a few years ago asking Londoners what they thought about air pollution and whether they would be willing to have a charging scheme, my jaw hit the ground when they were in favour of it. It does show you that you need to bring people along with you on this journey.

Equally, you have to remember that we feel this policy is affordable, proportionate and whatever the third word I was using is. We have had letters - and I am sure you as Members will start getting lots of letters - from irritated people. One of the freight associations was very opposed to it. Obviously we will be going out to further consultation when it comes to some of the taxi rules. It is not easy to try to balance that out to make sure you do bring people with you. Just hitting them over the head with a stick is not going to get you very far, especially as you are all elected politicians and the Mayor is elected. He has to bring society with him.

**Jenny Bates (Friends of Earth):** There are some really important points there. I agree with a lot of what Sam [Longman] is saying about how you can help the economy in a sustainable way. London came in 38th place in a ranking on desirability. It was congestion and pollution that brought us down. That was for businesses looking at where to locate and how they should think about their next move. London is falling behind. Nobody wants to live, work or visit as a tourist places that are unhealthy. I would think twice about where I would want to move to if I was working for an international company. We need to think about that. We can do things in a win-win-win way, which is what I said at the beginning of the meeting. You may have missed that. Sustainable development has to be about solutions that help the economy in a way that respects our environmental limits and helps society at the same time. That is what still concerns me about what Elliot [Treharne] was saying about having to balance cost against what we do. The Directive is clear that these limits are absolute and have to be met irrespective of cost. That is something we have to get from the Government; funding so that ordinary people do not have to bear the cost.

**James Cleverly AM MP:** That is where you will find the Government gets its money: from ordinary people.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Can I just correct Jenny? London is now the biggest tourist hotspot in the world.

**James Cleverly AM MP:** I was about to say on the desirability of business location --

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** We are second or third in the world.

**James Cleverly AM MP:** On things like access to markets and that kind of stuff, we rank at or very near the top.

**Jenny Bates (Friends of Earth):** There was one measure that London was 38th. It was congestion and pollution - I can provide the link - that was bringing us down.

**James Cleverly AM MP:** Jenny, I know the report you are talking about and that is one of a number of metrics on which we are measured.

**Jenny Bates (Friends of Earth):** Yes, there may be different things about investment --

**James Cleverly AM MP:** Access to markets, etc.

**Jenny Bates (Friends of Earth):** Yes, of course. I am just saying that cost-effectiveness is one thing. I would agree with Elliot [Treharne] that cost-effectiveness is something reasonable to consider but not overall the fact you cannot do something or cannot do it sooner because it costs something. It is right to think about what the most cost effective way of achieving something is --

**Darren Johnson AM (Chair):** It cannot be an excuse to do nothing, yes.

**Jenny Bates (Friends of Earth):** It cannot be an excuse not to do something because we are over our limits. I will just say that I would also agree with Elliot on congestion and that congestion is very bad for air pollution. For a given amount of traffic, it is better that it is moving than it is sitting there. If you increase traffic levels overall, you are worsening congestion in the wider area overall. You may change the pattern of congestion. You may relieve it one place but worsen it in another. If you are overall worsening congestion because you have overall worsened traffic, then you are going to be having worse air pollution. That is not acceptable. It is also not OK to increase --

**James Cleverly AM MP:** Jenny, I am going to stop you there because we are moving massively away from what we can do to bring --

**Darren Johnson AM (Chair):** I am going to bring in Andrea for final comments. Then I am going to draw it to a close.

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** Going back to the point you were talking about before about how to bring people in, it is not the only thing to tackle but part of my role is to go out and talk to communities across London. I quite often have to discuss air pollution issues with the public. Despite the fact that if you ask them directly if they think air quality in London is bad, people will probably say yes. I do often find that people do not realise the public health crisis that is posed by air pollution and the serious damage it is doing, not just to people who are already vulnerable with pre-existing health condition but everybody as they breathe in and move around in London.

There has been a lack of education from the Government, given the information. There is definitely a need for public awareness campaigns and also a more proactive and comprehensive early warning system to warn people of the smog episodes that we do regularly suffer in London and across the country, even just working with the medical profession to improve clinical advice.

Some of the groups I go and visit are patient groups for respiratory conditions. Once we have talked to them about how they felt when there was a smog episode, they do not quite make the link but they realise this actually does stop people from leaving their homes sometimes when air pollution is quite bad.

**James Cleverly AM MP:** Because we have discussed this issue so many times in my seven years as an Assembly Member here - and it is lovely to see so many familiar faces giving evidence! - I have discussed this with my father. My father basically says, "Shut up. I was a kid when there was real smog in London".

Do you actually think one of the reasons it is difficult to bring people along on this agenda is because we are talking about this in catastrophic, armageddon-style language to people who recognise in their own lifetime there has been a massive improvement in air quality in London and who say, "It is better than it was. It is getting better than it is. Shut up and go away. I have a business to run"?

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** My answer to that normally is that it is a different type. Before, we had coal burning and that was pretty bad. You could not see a few metres above you.

**James Cleverly AM MP:** Air quality in London is better than it was in those days.

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** We have a different problem with air pollution now. It is NO<sub>2</sub> that is the problem now. The source is very different.

**James Cleverly AM MP:** In absolute terms, it is better than it was.

**Andrea Lee (Health Air London Co-Ordinator, ClientEarth):** The problem is that the nature of the air pollution has changed.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** Yes. In answer to your question, yes.

**James Cleverly AM MP:** That is the answer you are desperately trying not to give. Andrea, genuinely, I think the problem is if you are not willing to accept that it is better than it was, it really undermines the credibility of other conversations you then go on to have. This is the thing. I used my father as a single-person focus group, which I know is hugely unscientific, but, it is better than it was. It is getting better than it is. We are arguing about how we can make it better faster. Unless we concede the direction of travel, I do concern myself that passionate people - as you obviously are - undermine their own argument by not conceding that improvements have happened. I have to say the fact that this is the single largest subject area this Committee has covered in the last seven years I have been on it, to the exclusion of almost all others, does not help, frankly.

**Anna Heslop (Clean Air Lawyer, Client Earth):** It is different pollution than it was. If you could see NO<sub>2</sub> in the air, you would have an awful lot of people saying there is still a huge problem. When you look at the pollution maps, they are all down the roads. Every single major road in London is red on those maps. If that pollution were red, there would be absolute outrage about the smog in London. The problem is NO<sub>2</sub> is see-through. We cannot see it. It would be a shame to say, "It is much better than it was". There is still a problem. Yes, it is a different kind of pollution but it is still there and it is still problematic.

**Matthew Pencharz (Mayor's Senior Advisor, Environment and Energy):** I agree with you both: What James has said is right but also, in fairness, if it were coloured, it would be a pretty alarming experience wandering along in a red fog. The health impacts of NO<sub>2</sub> - and increasingly the academic evidence shows there are serious health impacts - are nothing like what the smog of the 1950s did.

It is worth remembering that in the last 'great smog' of 1952 you had tens of thousands of acute cases of people dying. You had an animal show that was going on somewhere where animals dropped dead in their stalls. They were not even doing exercise. They were sitting in their stalls and they dropped dead. To say that NO<sub>2</sub>, which of course has a health impact and I do not want to minimise that whatsoever, equates with the 1952 smog is, where I agree with James [Cleverly AM MP] now. I see the point he is trying to make when it comes to the reasonableness of the language that is used.

**Anna Heslop (Clean Air Lawyer, Client Earth):** Yes, there are an awful lot more people in London now than there were in 1952 and they are in a much more concentrated area. We may not have an episode where animals keel over and die in the street. However, you are exposing over a long period thousands and thousands of people to this every day. That is why it is a public health crisis.

**James Cleverly AM MP:** You are answering a different question. The question I was asking was not whether it is bad. The question I am asking is whether it is better or worse.

**Anna Heslop (Clean Air Lawyer, Client Earth):** It is how you measure 'worse'.

**Darren Johnson AM (Chair):** I think we can all agree that it is different.

**James Cleverly AM MP:** The point I am making in terms of bringing people across to organisations like Friends of the Earth and ClientEarth is to not try to convince the people who already agree with you. Try to convince the people who fundamentally do not agree with you. As I say, genuinely - and I am saying this as someone who by virtue of my willingness or keenness to serve on this Committee is in more agreement with you than perhaps you realise - the tone that you take and the language you use to the people you need to convince needs to change.

**Darren Johnson AM (Chair):** On that note, we have an awful lot of work to do on various sorts of measures, not least bringing public opinion on board and getting behind the measures that are needed to reach compliance. Thank you to all the witnesses for your contributions this morning.

This page is intentionally left blank



**MAYOR OF LONDON****Sir Howard Davies**

Chairman  
Airports Commission  
Sanctuary Buildings  
20 Great Smith Street  
London SW1P 3BT

Date: **28 MAY 2015**

Dear Howard

**Response to Airports Commission supplementary consultation on air quality**

I have raised a number of concerns in the past about the lack of detailed air quality information that has been made available by the Airports Commission for each of the shortlisted proposals, so I welcome in principle the publication of additional material on air quality impacts. The recent Supreme Court Ruling highlights the significance of this issue and the obligations placed by law on government.

However, I am deeply dissatisfied with the approach the Airports Commission has taken. For such a significant issue, there is no rationale for rushing the consultation. This additional material is highly detailed and technical in nature and the Commission has given just three weeks (including a Bank Holiday weekend) for interested parties to review a set of highly complex technical documents and data sets. Standard practice for government and local government bodies would dictate a consultation period of at least six weeks, ideally twelve, but your secretariat declined a request from Transport for London (TfL) to extend the consultation period for all stakeholders to allow a full response. Whilst TfL has committed significant time and resource to reviewing the consultation material, they have been unable to undertake a complete assessment of the information presented. Furthermore, the methodological approach to the assessment of air quality impacts for the Heathrow and Gatwick options differs in a number of crucial respects and in the fifteen working days made available, there has been no opportunity for TfL to meet the experts and technical advisors who have undertaken the work, to discuss the approach and answer the questions they have. In the absence of any clarification, it must be assumed that these inconsistencies of approach undermine the entire basis of comparison between the options.

Therefore, the response we make can only be incomplete. The data presented leaves many questions unanswered and does not enable definitive conclusions to be drawn on air quality impacts, and specifically the level of significance of impacts for each of the shortlisted options.

# MAYOR OF LONDON

The Airports Commission is obliged by its terms of reference, to publish, alongside its final report, materials to support the Government in preparing a National Policy Statement (NPS) to accelerate the resolution of any future planning application(s). This detailed air quality information will be a key part of the environmental data that is required to support preparation of any NPS and it is regrettable that the Airports Commission has given so little time for this information to be properly tested. This means more time will be needed by the Government to prepare a NPS.

If the conclusions are to be relied upon, at a minimum, the input assumptions for this assessment should be consistent with other assumptions made for the other topics areas, notably traffic projections. This cannot easily be validated because in most instances, you have not published the relevant data to enable comparison. Similarly, your decision not to publish results for the Do Minimum scenarios, for either Heathrow or Gatwick, has limited the ability to scrutinise the detailed impacts relative to the future base.

There are several issues with the methodology, including the location of selected receptors and how they are used for model verification and adjustment. The selected receptor locations for Gatwick are predominantly roadside which makes some results seem higher for Gatwick, whereas by contrast many of the selected receptors for Heathrow are not representative of the worst case. Combined with other peculiarities in your approach, there would appear to be an inherent and persistent bias in your methodology, which has meant that the impacts for Gatwick expansion have been overstated relative to Heathrow.

Nonetheless, despite the apparent understatement of the effects at Heathrow, your data raises concerns about the air quality impacts of all three shortlisted options. However, given that the Heathrow area already exceeds EU limit values for annual average NO<sub>2</sub> (PCM links), these findings indicate that expansion at the airport will exacerbate this.

There are locations around Heathrow where a notable NO<sub>2</sub> worsening – you predict up to an additional 12 mg/m<sup>3</sup> – will require a level of mitigation previously unheard of without major scheme redesign. The scope of this mitigation is missing from the information, leaving the assessment incomplete. Furthermore, assessing compliance against EU limit values, for both the Heathrow schemes, you predict NO<sub>2</sub> concentrations on the A4 Bath Road PCM link in 2030 to be higher than what would otherwise be predicted to be the worst location in London.

In this assessment, you have not demonstrated that Heathrow expansion could be supported by the Government while at the same time taking forward an air quality strategy – in line with the Supreme Court decision – which seeks to meet the UK's obligations for air pollution reduction as quickly as possible. Nor have you undertaken sufficient work to evaluate the benefit, cost or acceptability of mitigation options. This means that the Commission cannot, with any certainty, infer that an expanded Heathrow could stay within EU limit values, in the absence of any quantitative evidence to back this up. Mitigation will be key to any expansion proposal being taken forward and a range of measures must be quantitatively assessed, and the results consulted upon, before any claim as to the suitability of an expansion scheme in terms of its air quality impacts can be made.

In conclusion, the consultation material, as it stands, though a step further than your previous round, leaves fundamental questions unanswered and raises concerns about the robustness of your approach. If the work of the Commission is indeed to expedite the drafting of an NPS, then much more needs to be done to address the serious concerns raised herein.

# MAYOR OF LONDON

Nonetheless, it is clear, within the limits of the data you have made available, that allowing Heathrow to expand would be inconceivable if the Government is to set out a plan for meeting EU air quality targets that fulfils its legal obligations.

Yours ever,

A handwritten signature in black ink, appearing to be 'Boris Johnson', with a long horizontal flourish extending to the right.

**Boris Johnson**  
Mayor of London

This page is intentionally left blank

## The Mayor of London's response to the Airports Commission **supplementary** consultation on shortlisted options

### **Air Quality**

May 2015

#### Key findings

- The Commission's air quality assessment represents stage 2 of the Commission's own two-stage process, which provides more detailed dispersion modelling however the report fails to provide detailed impacts and does not determine overall significance of the options.
- For example, for both Heathrow options, the Commission's Sustainability Appraisal previously concluded that without "substantial and forceful measures" the impacts of the schemes would be "SIGNIFICANTLY ADVERSE". An overall mitigation package of such measures has not been assessed, but the information presented indicates that significant residual impacts would remain. Therefore, it can only be concluded that the original significance assessment still stands and extensive additional measures are still required to fully mitigate the schemes.
- However, the consultation period of just three weeks is inadequate to properly assess all of the material provided by the Airports Commission and further time should be given to all parties.
- The input assumptions for this assessment should be consistent with other assumptions made for the other topics areas, including those relating to surface access and travel demand forecasting and airport operational measures. This cannot easily be validated because in many instances, the Commission has not published the relevant data.

#### Specific Comments on the Technical Approach

- The assessment does not include determination of significance – it has not updated the Sustainability Appraisal. This means the Commission does not draw any conclusions about the significance of the results.
- Results for the Do Minimum scenario – both for Heathrow and Gatwick – have not been reported thereby rendering it impossible to determine the detailed impacts of the expansion options (relative to the future baseline).
- The model verification and adjustment (against observed data) is flawed, undermining

the reliability of the final results. Without a more robust approach, it is likely that the air quality impacts of Gatwick expansion have been overestimated, while there are key locations around Heathrow which have been underestimated. For example, using a few locations at Heathrow with sufficient reported results, 2009 modelled concentrations of NO<sub>2</sub> in the Harlington and Cranbrook areas directly to the north and east could be 10-15% higher than predicted. This means that predicted concentration in 2030 may be significantly higher, exceeding 40 µg/m<sup>3</sup> on A4 Bath Road for the NWR scheme.

- It remains the case that no quantitative assessment of proposed mitigation measures has been undertaken and so the expected impact of these and residual impacts cannot be known.
- For these three Commission options, the Green Book guidance requires use of a method based on abatement cost estimates. By not doing this, the assessment has noticeably underestimated the economic cost and scale of the air quality impact.
- Roads sources are critical in identifying exceedence; the consultation material provides limited detail of the traffic modelling and so its reliability cannot be ascertained.
- The road modelling assessment does not disaggregate airport-related traffic; not only does this not allow for attribution of surface-access related air quality impacts to the airports, it prevents proper identification of targeted mitigation measures focused on airport users.
- There are several specific concerns about the treatment of road links, notably: all concentrations in proximity to new roads have been excluded; all emissions from existing and new car parks have been excluded; the impact of wake vortices from runways on pollution dispersion at nearby tunnel portals (applicable to both Heathrow options) has been ignored.

#### Specific Comments on the Options

- With regard to the relative merits of the options, the picture presented by the assessment is mixed; however several issues with the methodology including the location of selected receptors suggest that the impacts for Gatwick expansion have been overstated relative to Heathrow. Selected receptor locations for Gatwick are predominantly roadside which makes some results seem higher for Gatwick, whereas many of the selected receptors for Heathrow are not worst case.
- There are locations around Heathrow with a noticeable worsening of NO<sub>2</sub> – in some cases a large increase of up to 12 µg/m<sup>3</sup>, which would require a level of mitigation previously unheard of without major scheme redesign. Neither the promoter's mitigation measures nor those considered by the Commission would adequately mitigate these impacts; a cumulative assessment of an overall mitigation package is not presented. Measures above and beyond those presented would be required to meet the necessary level of mitigation such as:

- » A significantly greater investment in public transport than put forward
- » Implementation of an airport-wide ULEZ and/or congestion charging zone

- Indeed, the level of impacts around Heathrow would potentially offset any efforts by the Government to meet EU limit values as soon as possible and would work against any air quality plans being drawn up by Defra.
- In terms of assessment of compliance against EU limit values, for both Heathrow schemes, the increase in annual NO<sub>2</sub> concentrations on the A4 Bath Road PCM link would result in greater exceedence of the EU limit value, and is predicted to be at a higher concentration in 2030 than the otherwise maximum PCM predicted concentration in the Greater London agglomeration. This will have a direct effect on Defra's air quality plans by making them unworkable in terms of achieving compliance as additional measures would need to be identified and included.
- The Heathrow area already exceeds EU limit values for annual average NO<sub>2</sub> (PCM links) and these findings indicate that expansion at the airport will exacerbate this. As such, the assessment fails to demonstrate that Heathrow expansion could be compatible with the UK's air quality obligations under EU law.
- The measures being identified by Defra – in response to the recent Supreme Court decision – to address the existing air pollution problem as part of its NO<sub>2</sub> Action Plan will not be available to mitigate the impacts of expansion.

### Further work required

- The model verification requires revisiting, especially the lack of adjustment of airport sources at Gatwick, the lack of use of local monitoring data for roads sources at Gatwick, and the use of a single adjustment for roads NO<sub>x</sub> and total NO<sub>2</sub> across all sites.
- The Commission should determine the post-mitigation local air quality impact significance in order to be able to assess performance against its objective to “*improve air quality consistent with EU standards and local planning policy*”.
- The Commission should determine the impacts during initial and mature phases of the scheme development.
- For surface access, the detail underpinning the traffic modelling should be provided; the airport-related fraction of traffic should be identified and realistic road geometry used for new and amended infrastructure.
- Impact pathway (abatement) monetised cost estimates should be undertaken.

[PCM = Pollution Climate Mapping (model)]

## Key observations

### 1. Appraisal Framework requirements have not been met

- 1.1. The Commission's analysis within the Business Case and Sustainability Appraisal for each shortlisted option has not been updated with the stage 2 findings.
- 1.2. The Commission's analysis, in the technical report as well as the previous business case and sustainability appraisal, fails to include an assessment of the initial and mature phases of the scheme introduction.
- 1.3. The analysis does not adequately account for potential mitigation solutions; it only provides a qualitative/offline estimate on those provided by the promoters and by the Commission. Thus the assessment does not provide residual impacts and so a) the expected impact is not known, and b) the level of commitment to any suggested mitigation is very unclear.
- 1.4. The Appraisal Framework confirmed that the Commission would refer to the supplementary Green Book guidance in its assessment. According to this guidance, where monetised disbenefits are over £50 million and there is risk on non-compliance with the EU limit values – both of which apply for all three shortlisted schemes – then abatement cost estimate methods should be used for all relevant impacts. This has not been done. As these would be noticeably higher than those using the current method, these would worsen the scale of the air quality impact.

### 2. Inadequate treatment of surface access road links

- 2.1. Traffic data used covered all periods (AM peak, PM peak, Inter-peak, Off-peak) but it is unclear how much of this is derived from actual traffic modelling. There is no mention of any consideration of a weekend model or sensitivity of weekend traffic impact which, given the increased airport activity at the weekend, is a notable omission.
- 2.2. The traffic model did not provide the fraction of link traffic which was airport related. This restricts source apportionment and does not allow any evidence on the proportion of surface access-related air quality impacts attributable to the airport – a major argument put forward by Heathrow option promoters. This also means that airport-specific mitigation cannot be determined or justified; yet focused mitigation (i.e. influencing airport users) is more likely to be effective than general mitigation methods (i.e. influencing all road vehicles).
- 2.3. The consultation material does not include details of the traffic modelling used, what assumptions were applied for those major roads around the airport which are at or near capacity and it certainly does not demonstrate that the LMVR (Local Model Validation Report) or Forecasting have passed best practice criteria with regard to



reliability for use in air quality. This increases uncertainty about the air quality assessment outcomes.

- 2.4. The road geometry for existing roads is not always constant across scenarios. The assessment takes no account of vertical alignment which would make a noticeable difference at motorway junctions.
- 2.5. The actual alignment of new road infrastructure will be different from that modelled in the assessment, which has employed a simple straight line geometry using the traffic model nodes. This has been used to justify excluding all relevant receptors adjacent to new infrastructure from the concentration results and the maximum changes. Given these are liable to be the very locations with the largest changes in air quality, this will likely result in an underestimate of the scale of impact of the capacity changes.
- 2.6. Both Heathrow options would require the M25 to be placed in a tunnel under the runway. The modelling of these tunnel portals is quite simplistic. Also, no account has been taken of the wake vortices effect of aircraft using the runway overhead on the tunnel portal dispersion. The effect of the tunnel on any relevant receptors must therefore be heavily caveated – the impacts are likely to have been understated.
- 2.7. Emissions from the airport car parks have not been included on the grounds that they only make a minor contribution to ground-level concentrations. This is debatable for multi-storey ventilated car parks, especially as they tend to be close to roads (and associated receptors). Several airport car parks will be relocated under the expansion options – the effect of this is also not assessed and given the land constraints these too would quite possibly be near to receptors.

### 3. The verification of airport and road traffic sources is flawed

- 3.1. Airport verification: The argument used to not adjust Heathrow or Gatwick is debatable. Heathrow monitoring suggests that the model slightly underestimates the airport fraction (but significantly underestimates the total). For Gatwick, the modelling overestimates the airport fraction materially and should be adjusted downward, potentially reducing the impact of Gatwick capacity increases.
- 3.2. Roads verification: The roads method subtracts modelled airport and background sources from monitoring to estimate the roads monitored fraction. This makes it very sensitive to the adjustments applied to these sources as part of their own verification steps.
- 3.3. No separate roads verification for Gatwick has been undertaken (although there are five diffusion tubes in the area which could have been used). Instead an adjustment of 1.808 (i.e. a factor to counter the model underestimating roads sources) has been applied to all sites in Gatwick based on the Heathrow data. Given the importance of

roads sources to total concentrations this is likely to substantially weaken the reliability of the results for Gatwick.

- 3.4. Total concentration verification (NO<sub>2</sub> adjustment): A single adjustment factor of 0.931 has been determined and applied at both Heathrow and Gatwick. This is inappropriate. Adjustments should be by separate study areas for models which are separate (and use different meteorological data). All Gatwick comparisons show overestimates, whilst Heathrow half under-estimate and half overestimate. On this basis, Gatwick total concentrations would likely reduce even further, whilst Heathrow total concentrations would likely increase where zonal adjustments could be applied to reflect underestimates.
- 3.5. For example, using a few locations at Heathrow with sufficient reported results, 2009 modelled concentrations of NO<sub>2</sub> in the Harlington and Cranbrook areas directly to the north and east could be 10-15% higher than predicted as the road traffic contribution here appears to be under-predicted to a greater extent than the rest of the model area.
- 3.6. Using this, receptors in Harlington and Cranbrook receptors show an increase in concentrations of between about 0.3 – 2.6 µg/m<sup>3</sup> (based on Receptors J,L,M and S); by far the highest increase was at the more roadside location (S).
- 3.7. Similarly, the maximum predicted 2030 concentration for the NWR is at Bath Road (34.7 µg/m<sup>3</sup>). Re-verified, this concentration is likely to be more like 38-42 µg/m<sup>3</sup> in 2030. This would result in greater levels of mitigation being required.
- 3.8. In terms of the PCM predicted concentrations at this location, using the A4 Bath Road PCM Link under NWR as an illustration: if the predicted increment was 0.4 µg/m<sup>3</sup> giving a total concentration of 48.7 µg/m<sup>3</sup>, then as a result of re-verification this is likely to increase to approximately 49 µg/m<sup>3</sup> taking account of increased road contributions of NO<sub>x</sub>. This is likely to result in a greater level of mitigation being required, and would further delay Defra in achieving compliance with the EU Limit Value.

#### 4. Receptor results are inadequately reported

- 4.1. Selected receptor locations are reported in detail and used for source-apportionment. These are not necessarily the worst case locations, which could lead to misleading results. Tabulated results are only provided for the 2030 Do Something scenario but not the Do Minimum scenario. Therefore changes in source contribution cannot be determined, undermining confidence that the effect of the extra runway and changes to surface assess has been reflected appropriately.
- 4.2. The source apportionment locations selected introduce some bias: it is notable for Heathrow that many are not roadside locations (Figure 6.9), but those used for the

Gatwick modelling (Figure 4.9) are predominantly roadside locations. This makes tabulated road contributions for Gatwick in 2030 seem higher than those for Heathrow - e.g. Table 4.5 (Gatwick) versus Table 6.5 (Heathrow).

- 4.3. Receptors within 200m of any new roads have been excluded from the assessment and therefore no impacts at these locations are presented. This particularly favours the Heathrow options, which include significant sections of new road outside of the airport footprint.

## 5. General methodology concerns

- 5.1. The modelling uses a 2009 base and 2030 opening year. 2009 is rather old for an air quality model as several key Defra datasets no longer go that far back (only as far back as 2012) and verification would not follow best practice for surface access related sources – which would suggest no more than 3 years old.
- 5.2. Emissions are not reported for the Principal Study Area or the Wider Study, but against the entire Traffic Model Simulation Area, which by definition will generate a very small apparent percentage change in emissions. Averaging the changes over such a large area ensures that the figures do not show the much larger emissions changes due to road traffic that will occur in the areas immediately surrounding the airport.
- 5.3. The 2030 Do Something TIMs (aircraft ‘times in mode’) for take-off, climb-out and approach were assumed to be unchanged from the 2030 Do Minimum. This seems to be a bold assumption given the way an additional runway would be expected to alter airport operations and does not accord with previous additional capacity studies.
- 5.4. In terms of the overall trend, the assessment does not provide: analysis of how long current exceedences of the air quality criteria would remain; the extent to which the scheme impact would worsen this effect.

## 6. Conclusions to be drawn on the shortlisted options

- 6.1. Maximum concentrations are clearly most associated with surface access changes, echoing the Mayor’s conclusion following the interim assessment.
- 6.2. Though the Commission does not try to draw conclusions from the assessment, its data suggests a mixed picture; on some metrics Heathrow NWR and Heathrow ENR fare worse while for others, Gatwick expansion creates the greater pollution impacts.
- 6.3. However, for the reasons already stated, in particular relating to how the model verification has been undertaken, it is likely that the air quality impacts of Gatwick have been overstated relative to Heathrow.
- 6.4. Nonetheless, there are very specific concerns arising for the Heathrow expansion, which apply irrespective of the option.

- 6.5. There are locations around Heathrow with a noticeable worsening in NO<sub>2</sub>, with these locations at risk of exceedence in the future. The changes include up to 12 µg/m<sup>3</sup> increases (equal to a change of 3 standard deviations), which would require a level of mitigation previously unheard of without major scheme redesign. Neither the promoter's mitigation measures nor those considered by the Commission would adequately mitigate these impacts (and a cumulative assessment of an overall mitigation package is not presented). Measures above and beyond those presented would be required to meet the necessary level of mitigation potentially including:
- » A significantly greater investment in public transport than put forward
  - » Implementation of an airport-wide ULEZ and/or congestion charging zone
  - » A complete review of airport parking facilities with a view to reduced provision
- 6.6. Indeed, the level of impacts around Heathrow would potentially offset any efforts by the Government to meet EU limit values as soon as possible and would work against any air quality plans being drawn up by Defra.
- 6.7. In terms of assessment of compliance against EU limit values, for both Heathrow options, under the 2030 Do Something, there would be a worsening of annual mean NO<sub>2</sub> concentrations at the A4 Bath Road PCM link, the A4 (Fulham Palace Road to Earls Court Road) PCM link and the A40 Western Avenue. The incremental change at the Bath Road A4 PCM link would make this location have a higher concentration (up to 7.4 µg/m<sup>3</sup> more) in 2030 than the otherwise maximum PCM predicted concentration in the Greater London agglomeration. This will have a direct effect on Defra's air quality plans by making them unworkable in terms of achieving compliance as additional measures would need to be included. Were one to follow the re-verification approach set out above, this problem would be even worse than already shown.

## 7. Heathrow expansion incompatible with the UK's obligations to meet EU limit values

- 7.1. The Heathrow area continues to exceed EU limit values for annual average NO<sub>2</sub> (PCM links), and although action is being taken by some in the wider area of Heathrow, these actions will need re-evaluating and significantly expanding to demonstrate there is an achievable route to EU compliance against which extra capacity permissions can be considered. Given the concerns raised, it has not been demonstrated that expansion at Heathrow can be compatible with the UK's air quality obligations under EU law as set out in the recent Supreme Court decision.
- 7.2. Defra are currently developing an updated NO<sub>2</sub> Action Plan for the Greater London agglomeration (which includes the Heathrow area) in response to the recent Supreme Court ruling; this will include a range of mitigation measures to address the existing air pollution problem. Such measures would therefore not be available in the future to address the additional air quality impacts of an expansion of Heathrow.

# Subject: Summary List of Actions

**Report to: Environment Committee**

**Report of: Executive Director of Secretariat**

**Date: 2 July 2015**

**This report will be considered in public.**

## 1. Summary

- 1.1 This report sets out details of actions arising from a previous meeting of the Environment Committee.

## 2. Recommendation

- 2.1 **That the Committee notes the completed and outstanding actions arising from a previous meeting of the Committee.**

### Actions Arising from the Meeting of 3 March 2015

Minute Number	Topic	Status	For action by
7.	<p><b>Environment Committee Work Programme</b>                      Authority was delegated to the Chair, in consultation with party Group Lead Members to agree:</p> <p>(a) The Committee’s report on diesel emissions; and</p> <p>(b) Any necessary response to a written briefing from GLA officers on plans to consult on changes to the Local Air Quality Management (LAQM) Framework.</p>	<p>Report at draft stage with officers.</p> <p>Following the judgment of the Supreme Court on air quality, changes to the LAQM Framework were delayed, and the topic was instead discussed along with wider air quality issues at the Committee’s meeting on 4 June 2015. This delegated authority was therefore not used.</p>	<p>Scrutiny Manager</p> <p>N/A</p>

### 3. Legal Implications

3.1 The Committee has the power to do what is recommended in this report.

### 4. Financial Implications

4.1 There are no financial implications to the GLA arising from this report.

---

**List of appendices to this report:**

None.

<b>Local Government (Access to Information) Act 1985</b>
--

List of Background Papers: None.
----------------------------------

Contact Officer: Ed Wise, Committee Officer
---

Telephone: 020 7983 4619
--------------------------

Email: <a href="mailto:ed.wise@london.gov.uk">ed.wise@london.gov.uk</a>
---

<b>Subject: Solar Energy from London's Homes</b>	
<b>Report to: Environment Committee</b>	
<b>Report of: Executive Director of Secretariat</b>	<b>Date: 2 July 2015</b>
<b>This report will be considered in public</b>	

## 1 Summary

- 1.1 This paper sets out background information for a discussion with GLA officers and other invited guests about the potential to increase the capacity of London's homes to install more solar photovoltaics (PV).

## 2 Recommendation

- 2.1 **That the Committee notes the report as background to putting questions to invited guests on solar energy, and notes the subsequent discussion.**

## 3 Background

- 3.1 Solar generated electricity has the potential to help cut electricity bills and carbon emissions. Some studies estimate that solar could provide up to 20 per cent of London's electricity needs, therefore, combined with the Mayor's plans to significantly reduce carbon dioxide (CO<sub>2</sub>) emissions in London by 2020, investment into solar power sources for London is seen as a great possibility.

### Potential and opportunities

- 3.2 London's current capacity for solar energy meets just over 1 percent of this need and solar panels are currently installed on less than 0.5 percent of London's over 3 million homes. This means that London has the lowest amount of installed solar power capacity of any region in the UK, despite being the most affluent and populous part of the country, and having a favourable climate by UK standards.
- 3.3 The Mayor currently promotes solar installation in his two main energy efficiency programmes: RE:FIT for public sector organisations and RE:NEW for households. RE:NEW has supported the installation of solar panels to 4,300 homes. Furthermore, the Mayor's planning policy seeks to increase solar capacity - London Plan energy policies (specifically Policy 5.2) require larger schemes to generate decentralised renewable energy on site, for example with wind turbines, combined heat and power (CHP) systems or solar panelling.

### **Barriers and challenges**

- 3.4 The main reasons for the low take-up of solar across London are not fully known. Some known – or perceived – barriers include:
- a cityscape of thin, tall buildings as well as much terraced housing with little roof space;
  - greater transience in the residential population and lower levels of home ownership;
  - higher installation costs in London;
  - limitations posed by the city’s numerous conservation areas; and
  - public perception of solar power.
- 3.5 While recent reductions to the Government Feed-in Tariff have occurred, this has happened in line alongside continuously falling costs for solar photovoltaics panels, so should effectively not significantly impact on the overall cost and returns for installing solar arrays on houses and flats. In reality though this appears to have put off many potential customers, particularly housing associations that operate more long-term and strategic investment plans.

## **4 Issues for Consideration**

- 4.1 This meeting provides an opportunity for the Committee to discuss the potential for generating solar energy in London’s housing sector and examine what is currently preventing the full use of this potential.
- 4.2 Potential issues for discussion include public perception of solar panels to generate energy; opportunities and challenges for developing more solar generation from London’s homes; the role of the Mayor and local authorities; and the effectiveness of existing programmes and funding streams available to support domestic solar energy generation in London.
- 4.3 The Committee will discuss with guests these and other relevant matters. Invited guests include:
- James Hardy, Principal Policy and Programme Officer (Energy), GLA;
  - Debra Levison/Kore Mason, RE:NEW Programme Manager, GLA;
  - Leonie Greene, Head of Public Affairs, Solar Trade Association (STA); and
  - Agamemnon Otero/Afsheen Rashid, Repowering London.

## **5 Legal Implications**

- 5.1 The Committee has the power to do what is recommended in the report.

## **6 Financial Implications**

- 6.1 There are no financial implications to the Greater London Authority arising from this report.



---

**List of appendices to this report:**

None

<b>Local Government (Access to Information) Act 1985</b>
--

List of Background Papers: None
---------------------------------

Contact Officer: Alexandra Beer, Assistant Scrutiny Manager
---

Telephone: 020 7983 4947
--------------------------

Email: <a href="mailto:scrutiny@london.gov.uk">scrutiny@london.gov.uk</a>
---

This page is intentionally left blank

# Subject: Environment Committee Work Programme

**Report to: Environment Committee**

**Report of: Executive Director of Secretariat**

**Date: 2 July 2015**

**This report will be considered in public**

## 1. Summary

- 1.1 A report on the work programme is submitted to each Committee meeting to track the Committee's work and propose any changes, including confirming dates and adding topics as required.

## 2. Recommendations

- 2.1 **That the Committee notes its work programme for the remainder of the 2015/16 Assembly year.**
- 2.2 **That the Committee delegate authority to the Chair, in consultation with Lead Members, to agree the scope and terms of reference for the Committee's investigation into the environmental pressures from London's growth.**

## 3. Background

- 3.1 The Committee's work programme was initially agreed at the June meeting.

## 4. Issues for Consideration

### **Forthcoming Meetings and Other Business**

- 4.1 The table below sets out the allocated dates for the Environment Committee in 2015/16 and lists the main business proposed for each date at this stage. The business for future dates is subject to change as the Committee develops proposals for its work. Dates may be used for formal Committee meetings, informal meetings, site visits or other activities for the Committee. The work programme also provides for the Committee to respond to any matters that arise during the year.

<b>Meeting Date</b>	<b>Proposed topic</b>
Thursday 3 September 2015	Committee meeting / site visit – environmental pressures of London’s growth
Thursday 1 October 2015	Committee meeting / site visit – environmental pressures of London’s growth
Thursday 5 November 2015	Committee meeting – update on carbon emissions
Thursday 10 December 2015	Committee meeting – waste collection and recycling
Thursday 7 January 2016	<i>To be agreed</i>
Thursday 4 February 2016	<i>To be agreed</i>
Wednesday 9 March 2016	Committee meeting – Mayoral delivery

#### *Solar power*

- 4.2 The Committee is today discussing solar power, and specifically the prospects for increasing the generation of electricity from solar cells on homes in London. A report on this topic can be found at Agenda Item 5 providing background for the discussion at this meeting.
- 4.3 The Committee also made a visit on 18 June 2015 to sites in Brixton and Chelsea to see solar generation in action and hear about the challenges and benefits. A report is expected in the autumn.

#### **Topics for Later Scrutiny**

- 4.4 Officers will conduct initial research and scoping on further topics to be investigated by the Committee in the autumn and later, and the result of this research will be brought to future Committee meetings.

#### *Environmental pressures of London’s growth*

- 4.5 With London’s population already at a record 8.6 million, and expected to grow to around 10 million by 2030 and 11 million by 2050, there will be intense pressure on all aspects of the city’s physical, social and economic fabric. There will be a need for new homes, workplaces, services and infrastructure. There will at the same time be an increasing need for green infrastructure such as recreation spaces and access to nature, sustainable drainage, urban cooling and biodiversity habitat. For example, the GLA projects that an extra 9,000 hectares of green space would be needed to maintain the London Plan standards on access to green space.
- 4.6 Seeking to meet all of these increasing demands within London’s borders will put pressure on land use and challenge building design. A review could examine this tension and look at how the Mayor and others with strategic influence in London are preparing to deal with it.
- 4.7 The Committee’s work programme allows for a meeting or meetings and potentially one or more site visits in the autumn, with a view to producing a report in the winter. More detailed options will be developed in the next few weeks and presented to Members informally, at which point arrangements for site visits/meetings in September and October Committee meetings will be finalised. It is

recommended that the Committee delegates authority to the Chair, in consultation with Lead Members, to agree the terms of reference and outline of this work.

#### *Carbon emissions*

- 4.8 The Committee has in the past examined London's carbon emissions and the Mayor's progress with his goals to reduce them by 60 per cent by 2025. In November 2015, more than a year on from the publication of the Committee's report (*Could Do Better: a report card on progress with Mayoral carbon reduction targets*, July 2014), and in the lead-up to the 2015 United Nations Climate Change Conference in Paris, it could be timely to look at the latest emissions figures and programme updates. This may also provide an opportunity to complement the proposed domestic solar power investigation and follow up on past work and Member interests by looking at energy use and generation in the GLA and other public sector estates.

#### *Waste collection and recycling*

- 4.9 The Committee may investigate waste collection regimes across London, particularly for dry recycling, and the potential for improvements and perhaps greater standardization of collection regimes to increase recycling rates and the sustainability of materials cycles in London.

#### **Business in early 2016**

- 4.10 With the pre-election period ahead of the 2016 Mayoral and Assembly elections beginning on 21 March 2016, meetings in early 2016 may not fit well into projects leading to major proactive reports from the Committee. However, there are three dates available for meetings or other activities. Some may be used to respond to issues that arise during the year or to follow up previous work.
- 4.11 It is proposed that the last meeting of the term may be used to review delivery of the Mayor's environmental strategies and goals since 2008.

## **5. Legal Implications**

- 5.1 The Committee has the power to do what is recommended in the report.

## **6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

---

### **List of appendices to this report:**

None

<b>Local Government (Access to Information) Act 1985</b>
--

List of Background Papers: None
---------------------------------

Contact Officer:	Ian Williamson, Scrutiny Manager
------------------	----------------------------------

Telephone:	020 7983 6541
------------	---------------

E-mail:	<a href="mailto:scrutiny@london.gov.uk">scrutiny@london.gov.uk</a>
---------	--

This page is intentionally left blank