

GREATER **LONDON** AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2438

Title: Consultation on the Review of the London Local Air Quality Management System

Executive Summary:

This decision form seeks approval to undertake a public consultation on the draft proposals for revisions to the statutory system that governs the way that boroughs manage local air quality.

The proposed revisions being consulted on have been undertaken in order to:

- Ensure boroughs are taking suitably ambitious action, which is properly co-ordinated, and which supports Mayoral objectives including those set out in the London Environment Strategy;
- Ensure that London boroughs continue to work towards achievement of World Health Organisation safe limits for pollutants even when legal limits are met;
- Update information in the guidance documents to reflect new research, policies, and priorities; and
- Update Cleaner Air Borough Status (a recognition scheme for boroughs that was introduced under the previous Mayor) so that it is transparent and fair, now promotes continual improvement, and clearly aligns with new LLAQM priorities.

It is considered appropriate that the Mayor give approval to initiate the consultation via an MD given this is a statutory framework and the proposed revisions have implications for all London boroughs. There will be a further MD to sign off the final LLAQM framework post-consultation.

Decision:

The Mayor approves:

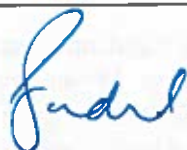
An 8-week public consultation on the revised draft London Local Air Quality Management framework, the details of which are included in the MD.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

6/3/19

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1. The GLA plans to consult on proposals to revise the statutory system for Local Air Quality Management in London, known as London Local Air Quality Management (LLAQM), to be delivered by London's boroughs. This system was last revised in early 2016, under the previous Mayor.
- 1.2. The new LLAQM system is designed to:
 - Ensure boroughs are taking suitably ambitious action, which is properly co-ordinated and which supports Mayoral objectives as set out in the London Environment Strategy and elsewhere;
 - Ensure that London boroughs continue to work towards achievement of World Health Organisation safe limits for pollutants even when legal limits are met;
 - Update information in the guidance documents to reflect new research, policies, and priorities; and
 - Update Cleaner Air Borough Status (a recognition scheme for boroughs that was introduced under the previous Mayor) so that it is transparent and fair, now promotes continual improvement, and clearly aligns with new LLAQM priorities.
- 1.3. The legal basis for LLAQM is Part IV of the Environment Act 1995. The LLAQM framework sets out the Mayor's expectations as to the actions boroughs will take to improve air quality in London and indicates where he would be minded to intervene and use his formal powers of direction under the Environment Act if appropriate action were not taken. The Secretary of State at Defra has issued formal guidance to the London Boroughs (including the City) that they are to participate in the LLAQM and have regard to any guidance issued by the Mayor.
- 1.4. Previous approvals related to this matter: MDs related to the consultation and initiation of the LLAQM in 2016 (MDs 1506 and 1652)
- 1.5. Although there are no direct financial implications to the GLA, an MD is considered best practice because this is a key statutory framework, and the proposed revisions have implications for all London boroughs. There will be a further MD to sign off the final LLAQM framework post-consultation.

2. Details of the consultation

- 2.1. There will be an eight-week consultation launching in March. The consultation will cover the following areas:
 - An updated version of the Air Quality Matrix has been approved by the Deputy Mayor for Energy and Environment. It details the actions that boroughs should take locally and includes priority ratings (all actions included in the Matrix are either Selected High Priority Measures, High Priority Measures, or Medium Priority Measures). A draft has been sent to boroughs for preliminary comments and no major concerns were raised.
 - Under the previous LLAQM the Matrix actions were "optional"; but now boroughs must deliver all of them and prioritise the key selected actions (if they cannot deliver any actions, they will need to seek permission from the GLA to omit these, with justification as to the reasoning). This will ensure that boroughs are also active in helping to deliver Mayoral priorities like the Non-Road Mobile Machinery LEZ and further action at schools.

- Borough Air Quality Action Plans will become live documents – the borough will have to add to these each year if existing actions have changed significantly or if new actions have been added. This was always an option in the previous LLAQM, but this will now be a requirement in cases where existing Action Plans don't cover the Matrix actions fully or don't include appropriate targets and outcomes. Having up-to-date Action Plans that cover the key matrix actions will be a pre-requisite for Cleaner Air Borough status of silver or above. However, these new actions can be included within their statutory Annual Status Reports rather than boroughs being required to undertake the onerous task of fully revising their statutory Air Quality Action Plans ahead of the required 5-yearly updates.
- Additional action required on the pollutant PM2.5 (the smallest fraction of particulate matter – which is the most damaging to health). The Policy Guidance now highlights the borough role in helping to meet London's new health-based targets for PM2.5, and will signal the Mayor's intent to request of Government that Regulations be amended so that this can be a more formal responsibility for boroughs, in line with their responsibilities for NO2 (the toxic gas Nitrogen Dioxide) and PM10 (Particulate Matter smaller than 10 micrometres).
- Policy Guidance update – this document has been amended to reflect the new level of focus on air quality and the importance of borough action, as well as a number of other additional updates reflecting new policies and evidence. Furthermore, the wording on Powers of Direction within this document has been updated to make it clearer that the Mayor will consider use of these powers if boroughs are under-performing or not in conformity with the Mayor's Strategies.
- Cleaner Air Borough criteria update – this criterion has been updated in order to align with the Matrix categories and provide a transparent scoring methodology.
- The removal of out-of-date and unnecessary technical information on screening sources from the Technical Guidance, alongside a number of minor technical updates throughout the document.

3. Consultation strategy

- 3.1. The consultation will be a form shared with boroughs which outlines the key changes described above and asks for specific feedback on each of these, as well as any further comments on the LLAQM documents.
- 3.2. Given this is a highly specialist set of documents, the primary audience for the consultation is London boroughs. However, information will also be available on the GLA website if other stakeholders wish to contribute to the consultation.
- 3.3. The consultation is being promoted via: an event for borough officers and London Councils at City Hall; emails to boroughs and other stakeholders, and meetings borough stakeholders; a letter from GLA's Executive Director of Development, Enterprise and Environment (DEE) to borough Chief Executive Officers; and information on the GLA's website.
- 3.4. After the consultation, a summary of the proposed changes will be signed off through a further MD.

4. Equality comments

- 4.1. The Mayor, GLA and TfL are subject to the "public sector equality duty" contained in s 149 of the Equality Act 2020. This duty requires each body to have due regard to three outcomes when

exercising their functions: (1) the need to eliminate unlawful discrimination, harassment and victimisation; (2) to advance equality of opportunity between those who share a protected characteristic and those who do not; and (3) to foster good relations between such people.

- 4.2. There is currently significant exposure of the London population to air pollution. Although this exposure is predicted to decline significantly by 2020, current modelling results show that in 2020 there will still be more than 300,000 people living in locations with average NO₂ levels above the EU legal limit value. In contrast, average concentrations of particles (PM₁₀ and PM_{2.5}) were, by 2010, already within EU Limit Values for the annual average concentrations. However, the majority of Londoners live in areas that exceed the World Health Organisation health-based limit for PM_{2.5}.
- 4.3. Populations living in the most deprived areas are on average currently more exposed to poor air quality than those in less deprived areas. A recent independent report by Aether published by the GLA showed that those people living in the most deprived areas were on average exposed to 24% more nitrogen dioxide air pollution than those living in the least deprived areas.
- 4.4. This revised LLAQM system should help to promote more effective borough action on air quality, especially in air pollution “hotspots”. It should therefore help towards reducing these health inequalities, in line with the following London Environment Strategy objective:
 - Objective 4.1 Support and empower London and its communities, particularly the most disadvantaged and those in priority locations, to reduce their exposure to poor air quality.
- 4.5. An Impact Assessment was undertaken. It assessed all of the proposed amendments and found that in each case the impact would be positive or neutral against the following criteria: *Will it improve air quality around areas which may have high concentrations of equality groups who may be disproportionately affected by poor air quality (including around schools, outdoor play areas, care homes, hospitals and deprived areas)?*

5. Other considerations

Risk Management

- 5.1. The key risk in terms of the consultation is that boroughs object strongly to one or more of the proposals. This is a possibility because the new LLAQM is more directive, in order to ensure that there is more consistent and focused action across London. Furthermore, the Policy Guidance is now clearer that - if necessary - the Mayor will consider the use of his reserve Powers of Direction, if boroughs are failing to act.
- 5.2. We are managing this risk by keeping the boroughs informed as the LLAQM proposals are developed (an event was held for officers in December) and by providing opportunities for question and discussion once the consultation is launched (GLA staff will be attending several borough air quality meetings in March and April).

Impact Assessment

- 5.3. An Integrated Impact Assessment was undertaken by Air Quality Consultants. It makes an overarching assessment of costs and then goes on to assess each of key amendments against the following areas:

Assessment	Question
Strategic Environmental Assessment	Will it help to reduce emissions of priority pollutants (e.g. PM, NOx, NO ₂)?
Strategic Environmental Assessment	Will it help to achieve national and international standards for air quality?
Health Impact Assessment	Will it reduce the number of people exposed to poor air quality or reduce levels of exposure, particularly for 'at risk' groups?
Equalities Impact Assessment	Will it improve air quality around areas which may have high concentrations of equality groups who may be disproportionately affected by poor air quality (including around schools, outdoor play areas, care homes, hospitals and deprived areas)?

- 5.4. It concludes that all amendments are either neutral (such as in the case of monitoring, which will not directly impact concentrations) or positive.

Mayoral Strategies

- 5.5. The revision of the LLAQM supports the delivery of policies and proposals within the London Environment Strategy, and the Mayor's Transport Strategy, as detailed below:

London Environment Strategy

- Objective 4.1 Support and empower London and its communities, particularly the most disadvantaged and those in priority locations, to reduce their exposure to poor air quality.
- Proposal 4.1.2.b The Mayor will work with boroughs to safeguard the existing air quality monitoring network and enhance it by exploiting new technologies and approaches such as personal and localised monitoring.
- Objective 4.2 Achieve legal compliance with UK and EU limits as soon as possible, including by mobilising action from London boroughs, Government and other partners.
- Policy 4.2.4 The Mayor will work with the government, the London boroughs and other partners to accelerate the achievement of legal limits in Greater London and improve air quality.
- Proposal 4.2.4.a The Mayor will use the London Local Air Quality Management (LLAQM) framework to assist boroughs and require them to exercise their statutory duties to improve air quality in accordance with that framework and will exercise statutory powers as required.

Mayor's Transport Strategy

- Policy 6 The Mayor, through TfL and the boroughs, and working with stakeholders, will take action to reduce emissions – in particular diesel emissions – from vehicles on London's streets, to improve air quality and support London reaching compliance with UK and EU legal limits as soon as possible. Measures may include retrofitting vehicles with equipment to reduce emissions, promoting electrification, road charging, the imposition of parking charges/levies, responsible procurement, the making of traffic restrictions/regulations and local actions.

6. Financial comments

6.1. There are no direct financial implications for the GLA arising from this proposal.

7. Legal comments

7.1. No particular implications arise at this stage.

8. Planned delivery approach and next steps

Activity	Timeline
Launch of 8 week consultation	March 2019
Close of consultation	May 2019
Signing of final MD and launch of revised LLAQM	July 2019
Reports due from boroughs	August 2019
Award of Cleaner Air Borough status to boroughs	Autumn 2019

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? No

Part 2 - Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form - NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Poppy Lyle has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Debbie Jackson has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Shirley Rodrigues has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 4 March 2019.

EXECUTIVE DIRECTOR, RESOURCES:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature

M. D. Lyle

Date

5.3.19

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

6/3/2019

