

# London Plan

## ClientEarth consultation response

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ClientEarth is responding to this consultation in the context of the urgent need to meet legal limits of air pollution in the shortest possible time and our wider goal to further protect people's health through the achievement of WHO guideline levels by 2030. Our response therefore only concerns the proposals set out on the air quality.

### Legal context

The policies and proposals in the draft Transport Strategy need to be considered in the light of the judgment in R (ClientEarth No.2) v Secretary of State for the Environment, Food and Rural Affairs. In particular the Court's articulation of the obligations that flow from Article 23 of the EU Ambient Air Quality Directive, namely to prepare an air quality plan which complies with nitrogen dioxide (NO<sub>2</sub>) limits as soon as possible, chooses a route to compliance which reduces human exposure as quickly as possible and ensures that compliance is not just possible but likely.

While there are aspects of London's air quality that are beyond the Mayor's control and for which he will need the full support and action from central government, he enjoys extensive powers, particularly over transport policy, which he must exercise to the fullest extent. We believe, therefore, that the judgment requires the Mayor to set a level of ambition that ensures he considers and implements all technologically possible measures that will bring about compliance with legal limits in the shortest time possible.

### Air quality

Overall, we are pleased to see that the Mayor recognises that tackling London's illegal and harmful levels of air pollution is a key priority for himself and the capital. He has made some bold decisions and taken welcomed action in just his first 18 months with the introduction of high pollution alerts and the Emissions Surcharge and the ambition to expand and accelerate the introduction of the Ultra Low Emission Zone (ULEZ).

We broadly welcome the policies on air quality set out in the London Plan but want the Mayor to commit to ensure that it reflects the legal tests as set out in the ClientEarth No.2 judgement. This includes the need to take action that ensures that London complies with legal limits of nitrogen dioxide in the shortest time possible. In addition, and of particular relevance to the London Plan, action needs to be taken urgently not only with the aim to deliver compliance by a particular date but with the aim to reduce people's exposure wherever legal limits are breached in the Greater London Zone.

The London Plan should also support the ambitions set out in the Mayor's Transport and Environment strategies. The Mayor has rightly identified motorised traffic as the main source of the city's illegal and harmful levels of air pollution that there is not just a need to reduce

emissions from the transport network but also the need to reduce the number of vehicles on the capital's roads. Increasing uptake of public transport and active travel choices and reducing the number of vehicles on London's roads will be key to this. For these strategies to succeed the London Plan has to provide a definite framework to reshape how Londoners live and work in the capital and set the capital on the path to a zero emissions future.

The Mayor also needs to ensure that energy policy does not undermine any air quality improvements delivered by transport. We are especially worried about decentralised energy systems, such as gas engine Combined Heat and Power (CHP) , that could contribute to local sources where people live and work. The Mayor should consider reviewing the heat/energy hierarchy through consultation. Any air quality policy in energy should apply London-wide rather than just in areas exceeding legal limits. Otherwise we could lose improvements the Mayor has delivered.

To discuss this consultation response further, please contact:

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ClientEarth is a non-profit environmental law organisation based in London, Brussels and Warsaw. We are activist lawyers working at the interface of law, science and policy. Using the power of the law, we develop legal strategies and tools to address major environmental issues.

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