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Ref MQ / AM

Dear colleague

Response to Clearing the Air – The Mayor's draft Air Quality strategy for public consultation

As Labour's environment spokesperson on the Assembly I have the following comments to make on the current draft of the air quality strategy:

Why Air Quality Matters

In the past year three separate reports¹ have found that Greater London's poor air quality now contributes to the premature deaths of more than 4,000 people. This is four times the estimated number of deaths cited at the introduction of the Low Emission Zone (LEZ) in 2008².

Air pollution is bad for our health. It reduces human life expectancy by more than eight months on average and by more than two years in the most polluted cities and regions.³ Other damaging effects of London's poor quality are: the stunted growth of lungs in young people and increased rates of asthma.⁴ We also know that despite ongoing work to reduce air pollution, air quality in London is not improving.⁵

The Mayor of London has the power and influence over public transport and other agencies in the city to make a difference in this area - particularly through the policies of Transport of London. Indeed,

¹ Assembly Environment Committee Report, "Every Breath you Take"
House of Commons Environmental Audit Committee report Air Quality Fifth report of Session 2009-10
IOM report for Mayor of London: Report on estimation of mortality impacts of particulate air pollution in London, June 2010

² Environment Agency overview of air quality in London <http://www.environment-agency.gov.uk/research/library/publications/40987.aspx>

³ EU Commissioner Janez Potocnik in an interview to the BBC 3 June 2010.

⁴ Oral and written evidence from Prof. Frank Kelly, King's College London, February 2009, to Assembly Environment Committee

⁵ Written evidence from King's College London to Assembly Environment Committee.

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since 2007 the Mayor has been required under law to produce a health inequalities strategy for London. His own health report into air quality⁶ indicates quite clearly the geographical spread of the impact of poor air quality. This should be fully incorporated with the Mayor's Health Inequalities strategy⁷ as currently there is a mis-match between strategies which needs to be corrected.

The scale of London's air quality problem is huge and growing but the political will to address it seems at best half-hearted. People are dying unnecessarily because of London's pollution levels and yet the Mayor seems completely unfazed.

When the LEZ was first introduced it was estimated that the rate of premature deaths and hospitalisations caused by poor air quality was four times higher than the number of road fatalities in London. It is now known that the annual number of premature deaths from poor air quality is actually four times higher than was estimated in 2008 (4,267) and the number of deaths from road traffic accidents is thankfully falling (184 in 2009)⁸. This means that deaths caused by poor air quality were actually over twenty times higher than the number of road fatalities in 2009.

In the face of this gathering storm, the Mayor should be taking command of this situation before it becomes a catastrophe. He should demand that Government act, and insist that all London's various public and private bodies work together in a truly concerted effort. We need the Mayor to take all the necessary measures now to tackle this ongoing public health disaster, if the Mayor of London isn't to take a lead on this life and death issue, who will?

The Mayor's regressive measures on air quality so far

So what has the Mayor done since gaining office in May 2008?

- More than half way through his four year term, the Mayor is still only consulting rather than acting on this crucial public health matter.
- The Mayor is proposing to remove the Western Extension of the Congestion Charge, which will increase traffic and associated pollution in the area by up to 8 per cent⁹. This move will also deny TfL £55 million of annual revenue which would otherwise go towards improving public transport¹⁰
- The Mayor has delayed phase III of the Low Emission Zone (LEZ), thus keeping the most polluting vehicles (light goods vehicles, or LGVs) on the road for 16 months longer.
- The Mayor has cancelled the six-monthly road-worthiness inspections for black cabs, which many vehicles were failing because of their emissions rates. This is despite the acknowledgement in the Mayor's strategy of the particular problem with taxis in central London and the concentration of PM10¹¹.

⁶ IOM report for Mayor of London: Report on estimation of mortality impacts of particulate air pollution in London, June 2010

⁷ Mayor's London Health Inequality Strategy, April 2010.

⁸ TfL's London Road Safety Unit "Casualties in Greater London during 2009", June 2010

⁹ Draft Revised Mayors Transport Strategy Integrated Impact Assessment, Appendix E – Report on Removal of WEZ.

¹⁰ TfL press release (24 May 2010) <http://www.tfl.gov.uk/corporate/media/newscentre/archive/15581.aspx>

¹¹ Clearing the Air, Executive Summary, p2 (March 2010)

The current revised strategy

This revised draft of the Mayor's strategy is noticeably improved from the previous draft. However, it is disappointing that despite successive studies showing an ever-bleaker picture of the health impacts of London's poor air quality on its citizens, this revised draft (by its own admission) still will not bring London's air within the toleration level of EU air quality standards. This is despite the continued and recently increased legal action by the EU against the UK as a direct result of London's inadequate measures to tackle pollution.

The measures contained in the strategy are not currently fully funded and, as the strategy warns, even the inadequate measures set out here will need further funding from government. These measures collectively are inadequate when seen alongside the regressive actions already taken by the Mayor since coming into office. It does seem the purpose of this strategy is to delay any tough decisions until after May 2012 and the end of this mayoral term.

Although the revised strategy contains many worthy measures and initiatives, for example: an aspiration for zero tailpipe emissions, support for the boiler and vehicle scrappage schemes, and increased public awareness campaigns, the strategy is for the most lacking in substantive measures and actions. There are too many excuses for inaction and a tendency to absolve the mayoralty of responsibility while looking to other bodies for funding and action.

The strategy shows a disappointing lack of leadership from the directly elected Mayor of a leading world city on what is an important public health issue. Throughout, it is noticeable how much of the predicted improvements in London's air quality rely on little more than wishful thinking. For example, there is an expectation of pre-compliance with lower emissions standards by road users voluntarily purchasing lower emission vehicles in advance of statutory deadlines. There is a worrying lack of evidence to back up this expectation.

Where vehicle age is a prime determining factor in its road-worthiness - for example, in the case of taxis - it seems fanciful to expect owners to keep vehicles nearing that age in prime condition. This specific issue could have been addressed by retaining the six-monthly road-worthiness checks taxis previously had to undergo but these were abolished by the Mayor.

Specific failings of the revised strategy:

- This is a second draft, yet still by the Mayor's own admission, the strategy will not meet EU NO₂ targets in London by 2015.
- The serious health impacts are downplayed. For example, page one of the strategy states that pollution from traffic comes second only to litter as a top environmental concern for Londoners. But the fact that "air pollution...impair[s] the development of lung formation in children" – from which they never recover – is not mentioned until page 114. There are mentions to pollution aggravating existing respiratory conditions, but an apparent reluctance to point out that pollution actually causes those conditions in the first place.
- The strategy anticipates EU PM₁₀ limits will be met in London by 2011, although it does include some over optimistic expectations such as pre-compliance of vehicles. This assumes that recession-hit businesses will replace their old yet functional vehicles with new, less

polluting ones earlier than required, thus reducing pollution levels sooner than they are legally obliged to. It hasn't happened before and there is no reason to suggest it will happen now.

- The Mayor requires additional funding from the Government to implement even the insufficient measures set out in this strategy. There is no indication that this funding will be forthcoming. Nor has the Mayor prioritised air quality issues within TfL budgets, where more could be done. However, in light of the scale and severity of this problem, and our emerging understanding of it, Government and other agencies, including local authorities, now need to revisit their policies on air quality and pull together in order to prevent the current dire situation turning into a crisis.
- The strategy champions measures in place or previously announced which have not yet solved London's air quality problem. The UK remains in breach of EU legislation with a final warning issued for PM₁₀ despite these measures. Therefore, far more still needs to be done and yet the strategy suggests the Mayor is complacent about the potential for EU fines of up to £300m and about the 4,267 premature deaths contributed to by London's poor air quality each year.
- The strategy is keen to stress the impact of pollutants blown in from outside London (40% of PM₁₀, 25% of NO₂) but fails to mention those pollutants that blow out. The Mayor chooses to be responsible for neither. It is certain that London emits pollutants to other regions, but the strategy does not say whether London is a net recipient or a net emitter of pollution.
- The strategy acknowledges the large contribution that road transport makes to London's pollution levels, yet suggests very little to reduce the number of car journeys and thus the impact of cars on pollution levels.
- The strategy disingenuously claims the Mayor has limited powers over the vehicles using London's roads, which conveniently ignores the fact that the Mayor does have direct control over many of the roads themselves – all the red routes - and influence over the borough roads via TfL maintenance budgets. While it is certainly true that the Mayor does not have power over all the vehicles on London's roads, it should be remembered that he does have responsibility for a sizable number, including all Metropolitan police vehicles and TfL vehicles, including the 6,800 strong bus fleet. He also has considerable influence on a sizeable majority of the private vehicles used in central London via his regulatory powers. In addition, his public transport provision, pricing structure etc, have a huge influence on much vehicle usage. Thus the Mayor has considerable power and influence over vehicles and their use in London. Unfortunately he chooses not to use them.
- The strategy notes that around 35 per cent of PM₁₀ emissions in 2008 from road transport in central London came from tyre and brake wear and that this is set to become an ever greater proportion. While emissions from tailpipes will reduce, there are no technological improvements on the market to reduce the PM₁₀ from brake and tyre wear, nor are any anticipated any time soon. However, improvements could be made by increasing awareness of eco-driving techniques and smarter travel choices to reduce the number of unnecessary car journeys. Despite the anticipated increase in London's population there seems no desire in the strategy to address or to seek to reduce the number of car journeys made.

- Supporting modal shift of freight from road to rail and water is a good measure, but is overly vague. What does working with boroughs and businesses mean in practice? What will the Mayor actually deliver? In order to facilitate any realistic attempt at causing modal shift to rail and water the Mayor should also be actively engaging with the appropriate bodies, such as the Port of London Authority (PLA) British Waterways and Network Rail.
- The introduction of low-emission buses is a welcome contribution to improving air quality, although the repeated mention of them in the strategy suggests the Mayor expects their introduction will reduce overall vehicle emissions considerably, whereas these vehicles will only represent a small proportion of the fleet for several years to come. Out of a fleet of over 6,800 there are currently just 56 hybrid buses operating in London and there will only be 300 in service by 2012.
- Although the average age of black cabs is already just 7.5 years, the Mayor is suggesting introducing a 15-year age limit for the vehicles, which in itself will have limited impact on air quality. It would be more beneficial if the Mayor were to advise the Public Carriage Office (PCO) to change their requirements with regard to the vehicle types which can be registered as black cabs. TfL figures show that the fleet of black cabs contributes disproportionately to NO_x and PM₁₀ emissions compared to the fleet of private hire vehicles¹².
- It is pleasing to see the strategy proposes trialling some experimental measures, even if they are few in number. Weekend closures of Victoria Embankment to encourage walking and cycling is a welcome experiment which should be followed with interest.
- There is inadequate evidence and modelling provided in the strategy of the impact of the various measures included, and how levels of compliance and behaviour change are to be achieved.
- The strategy considers investigating the potential of reducing the speed limit along Park Lane to 30mph. While this measure is welcome, it seems to be little more than a token gesture unless it is to be part of a co-ordinated plan to introduce the same limit to all other London roads of a similar nature. As a general measure, the Mayor's acceptance that speed limits can contribute to less pollution is very welcome.
- The strategy states that the full extent of the impact of poor air quality on health is not known and more research should be done to establish this, but then falls short of commissioning any such research, or agreeing to contribute to any, and finds lack of full information a convenient excuse for lack of action. However, there are now no less than three recent reports illustrating the scale and severity of the problem and showing that the situation is far worse than realised when the Low Emission Zone (LEZ) was put in place to address this specific issue.
- On its publication in March, the strategy suggested there would shortly be a sister publication published, "the GLA study into the impacts of poor air quality in London" yet unfortunately that study took three months to see the light of day. This information should have been published at the same time as the strategy, as information included in it would have enabled people to respond from a more informed position, not just to the air quality strategy, but also

¹² Transport for London, Environment Report Data Tables 2009, p8.

to the consultation on the Mayor's proposal to remove the Western Extension of the Congestion Charging Zone.

- Throughout, the strategy seems vague on the detrimental impact of pollution, the huge cost of under-addressing the problem, and the urgency this matter requires. However, cost cutting seems a constant concern. Having poor air quality costs money, to individuals, to businesses and the economy and costs the NHS, whereas this strategy seems only to consider the cost of putting in measures to improve air quality, not the larger savings they bring. This is not an even-handed cost-benefit analysis.

Clearing the Air around London Airports

The Mayor's revised draft strategy is clearly focused on central London without adequately addressing the second air quality hotspot in London around Heathrow airport¹³. This problem area has disproportionate detrimental effects on residents in Hillingdon, Ealing and Hounslow. These effects are set out in Air Quality Reports provided by HACC (Heathrow Airport Consultative Committee)¹⁴ which suggest London will not comply with EU standards for NOx until 2015 around Heathrow, which is well beyond the EU deadline.

More recently, the closure for five days of Heathrow due to volcanic ash from Eyjafjallajokull in Iceland revealed the impact of no flights on air quality in the local area. Preliminary results from the majority of monitoring stations around Heathrow suggest that between 73 - 84 per cent of NOx concentrations were due to background and road emissions.¹⁵ This suggests that surface transport into Heathrow was a major contributor to poor air quality in and around the airport – something BAA, the Mayor and TfL could improve. If we are to improve air quality for local residents, it is paramount that the number of private car journeys to Heathrow are dramatically reduced and the Mayor should begin consulting on how this is to be achieved.

With regard to air quality, there are clearly similar issues around the other airports, such as London City Airport in Newham, which is also within the boundaries of Greater London, which may need investigating as well.

Conclusion

It is now beyond the halfway point of the Mayor's administration so it is unfortunate that this important strategy, concerning life and death issues for Londoners, is still only at the consultation stage.

While the Mayor has failed so far to act, the EU has singled out Greater London for its poor air quality, moving to the next stage of legal proceedings potentially leading to a £300m fine for the UK. This

¹³ Clearing the Air – Executive Summary, Mayor's Draft Air Quality Strategy for public consultation, Figure 3 on page 4

¹⁴ HACC Air Quality monitoring report April 2009

¹⁵ HACC Report Air quality impact of no flights (15/4/10 to 20/4/10)

year London has already exceeded the daily limit for PM₁₀ more than 35 times and is likely to continue to do so throughout the rest of the summer.

The case for urgent action has been made and it is time now for the Mayor to take the following immediate, medium and long term actions, in keeping with recommendations of this paper and the Environment Committee:

Immediate

1. Re-consider mayoral support for the proposal to halve the size of the congestion charge zone and campaign to keep the Western Extension in place - on environmental, cost and health grounds this must be a priority
2. Implement the third phase of the LEZ as planned in October. With support from Government, the Mayor could subsidise one-off retrofit and scrappage costs for operators with £55m of revenue from retaining the WEZ
3. Reinstate the six-monthly inspections of black cabs.

Medium Term

1. Introduce additional, smaller LEZs to target pollution hotspots from road transport.
2. Introduce a vehicle retrofit subsidy scheme in London.
3. Undertake research into using biofuel for all public transport in London, including buses, trains taxis and river transport.
4. Launch a widespread information campaign to make air quality information more accessible to Londoners, for example making use of text messaging to alert people of air quality levels and enable them to take responsibility for their own health ant that of others.
5. Reduce emissions in the older public diesel vehicle fleet.
6. Air quality emission reduction targets should be incorporated into the revised London Plan to reduce emissions from all new developments.

Long Term

1. Through TfL work with BAA to improve surface transport to Heathrow airport.
2. Give greater emphasis on clearing London's air with his new Health inequalities powers.
3. Change the vehicle specification of black cabs through the Public Carriage Office (PCO) before it is legally challenged¹⁶

If these measures are not taken, we are in serious danger of incurring major fines by the EU and confirming our position as the dirty man of Europe just before we host the Olympics Games. This while London risks breaching our undertaking to the IOC with regards to air quality standards during the Games¹⁷.

¹⁶ High Court ruling under EU Free Trade laws permitting E7 taxis against Liverpool Council on grounds of Trade restrictions and DDA 1995 requirements (Oct 2009).

¹⁷ Report of the IOC Evaluation Commission for the Games of the XXX Olympiad in 2012

This is London's biggest public health issue where the Mayor can make an impact which would increase Londoners' life expectancy, reduce the underdevelopment of children's lungs and reduce the aggravating effect that pollution levels have on existing respiratory conditions through his regulation and control of public transport in London. If for no other reason the Mayor needs to act now as suggested rather continue just talking about it.

Throughout the strategy there are platitudes heralding measures that are then subsequently acknowledged to be insufficient to bring us within EU air quality limits. At the same time the Mayor is keen to abdicate responsibility for the problem and deflect attention where possible – placing a duty on national government while neglecting his own. The strategy is always keen to blame others for the problem, and is littered with excuses for the Mayor's inaction.

The death toll from London's pollution is rising and will accelerate unless urgent and effective measures are taken to address the problem. If the Mayor does not begin to lay proper foundations to improve London's air quality now, he is merely storing up ever-greater problems for future generations, that will require more draconian measures later.

Yours sincerely,

Murad Qureshi AM
LONDON ASSEMBLY MEMBER