Dear Sir/Madam,

Subject: Cleaning up London's air pollution – Air Quality Survey

We write on behalf of ClientEarth in response to the public consultation on Cleaning up London's air pollution.

Legal context

The UK Government is again being taken to court by ClientEarth over its continued failure to meet legal air pollution limits. In April 2015, the Supreme Court ordered the government to prepare new plans to achieve nitrogen dioxide (NO$_2$) limits in the “shortest time possible”. This requires the application of all technically feasible measures in the shortest possible timeframe.

The government’s new plans, produced in December 2015, still didn’t envisage compliance with legal limits until 2025 in London. In response, ClientEarth has brought a fresh legal challenge and has now been granted an expedited hearing date on 18 and 19 October 2016 for the case in the High Court.

The Mayor has joined our legal challenge against the UK Government. While some aspects of London’s air quality are beyond the Mayor’s control, he enjoys extensive powers, particularly over transport policy. He must exercise these in such a way as to ensure compliance with legal limits of NO$_2$ in the shortest time possible. He now needs to ensure he is using all his available powers, in order to demonstrate that he is doing everything he can to contribute to this objective.

The Mayor’s proposals

Overall, we welcome the fact that the Mayor has sought to address the problem so early on in his term. The range of measures, focusing on road transport and in particular diesel vehicles, demonstrates that he understands the urgency of addressing this public health crisis. They have the potential to deliver the step-change in London’s air quality that is so urgently needed. In particular:

- The quick introduction of the T-charge in central London could accelerate tackling emissions from the dirtiest vehicles and send an immediate signal to motorists and vehicle manufacturers ahead of the introduction of the Ultra Low Emission Zone (ULEZ) in 2020.

- An ambitious ULEZ should be the cornerstone of a comprehensive strategy aimed at delivering legal compliance as soon as possible and establishing London as a world-leader in clean air and sustainable urban transport. Expanding and accelerating the introduction of the ULEZ is crucial to ensuring that London meets legal limits in the shortest time possible.
We have assessed the Mayor’s proposals according to three criteria:

1. Do they meet compliance with legal limits in the shortest time possible?
2. Do they minimise the health risks to Londoners?
3. Do they lead to the decarbonisation of London’s transport infrastructure?

Whilst we feel the current proposals are significant step towards meeting these criteria, the following is a list of suggestions for improvement.

**T-Charge**

We welcome the introduction of the T-Charge, as it sends a strong and immediate signal that London needs to reduce emissions from road transport, especially diesel vehicles. But it does nothing to tackle newer diesel cars, which still cause problems with nitrogen oxides (NOx) emissions. For instance, Euro 4 and 5 diesel vehicles, which have higher NOx emissions than Euro 3 diesel cars. Current evidence shows that even the new Euro 6 diesel cars exceed their emission limits in real driving conditions, by an average factor of six.

By only targeting older diesel cars – cars registered before January 2006 – it could still encourage people to switch to newer, but still highly polluting diesels.

The Mayor should therefore extend the T-charge to include all diesel cars as part of a phased approach to move London towards a zero emissions road network. The Mayor should also consider including all diesel vehicles, if analysis shows this would contribute towards earlier compliance. A YouGov poll carried out for ClientEarth in March 2016 showed that more than two thirds of Londoners believe that higher polluting vehicles should pay more than other vehicles travelling through London.

**Ultra Low Emission Zone**

This proposal needs to be based on the best available evidence and robust modelling of all options, including area covered, standards set, restrictions applied and implementation date(s), to help London meet legal limits in the shortest time possible. We welcome the proposal to bring the implementation of the ULEZ forward to 2019 but the Mayor should consider a much earlier implementation either in 2018 or the beginning of 2019.

However, we think the Mayor should go further. The Mayor should make the Congestion Charge Zone (CCZ) zero emission as soon as possible, for vehicle classes where this is technically feasible, in order to meet compliance in the shortest time possible. This will accelerate the uptake of electric vehicles and make London a world-leader in sustainable urban transport. A longer lead in time may be needed for problematic vehicle classes, such as vans, where diesel accounts for over 90 per cent of the fleet and zero emission options are limited. Exemptions should be granted for those who have a genuine need to drive in the zone, such as those with a Blue Badge and other mobility issues, alongside targeted financial support to assist them to upgrade to a zero emission vehicle.

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2 DfT, April 2016, *Vehicle Emissions Testing Programme: moving Britain ahead*
The Mayor should consider extending the ULEZ to the Greater London area in order to help London meet legal limits in the shortest time possible, as there are significant breaches outside the North/South circular. Otherwise he will need to demonstrate that alternative measures will address these pollution hotspots.

**Vehicle emissions accreditation**

The ULEZ is based on the Euro 6/VI standard. However, given the failure of Euro 6 passenger cars to meet the emission limit under real driving conditions, the Mayor must look at ways to restrict access to those diesel vehicles that can prove that they meet the emission limits on London’s roads, not just in the discredited laboratory tests.

The Mayor should introduce a vehicle emissions accreditation or consumer labelling system to ensure that any Euro 6/VI diesel vehicles that are allowed to enter London under the emissions surcharge or ULEZ actually meet the required emission standard when driving on the road. This will help to halt purchases of highly polluting diesel cars and vans and incentivize zero emission or hybrid vehicles. The Mayor should work with the European Commission and the German Government who are looking into such schemes.

For new cars, this is relatively straightforward, as manufacturers will be required to report on their real-world NOx emissions from this year. The scheme would merely require manufacturers to make this information public, which they are legally required to do anyway under environmental information regulations.

For existing cars, this data is not currently available, so manufacturers would have to allow production vehicles to be chosen at random for independent testing. The cost of this should be borne at least partly by industry.

The immediate aim of the label would be to drive purchasing behaviour and manufactures to producing cleaner diesel cars in future and offering free retuning and refitting for cars already sold. However, it would also pave the way for the future introduction of a ban or differentiated charge, based on real-world emissions of NOx. The label could also incorporate a CO2 standard, for example the 75g/km “ultra low emission” requirement, again under real-world driving.

**Diesel scrappage scheme**

If well designed, a scrappage scheme could help small businesses and those on lower incomes to scrap the dirtiest vehicles. It should be targeted to specific pollution hotspots or the ULEZ where, for instance, drivers would have to prove that they have to enter these areas for commercial or employment reasons and had no practical alternative. This should also include people with health needs and mobility issues. The Mayor should also include options to encourage people to give up vehicle ownership completely, for example, by funding membership of a car club or public transport season tickets.

**Public information**

We welcome the various options for alerting the public about high pollution events. Being more proactive in alerting the general public about high pollution events could help people protect themselves by avoiding pollution hotspots. This could also help encourage people to reduce their contribution to the problem, particularly on high pollution days.
Given the lack of action by the UK Government, the Mayor should also develop a comprehensive and proactive public education campaign on air pollution. This would help people understand the causes of air pollution, how they can protect themselves, how they can help to reduce their contribution and what needs to be done by the Mayor and Government to tackle the problem. This would also help build support for the bold measures required to meet legal limits. The alert system should be aimed at the general public but specific actions will be needed to target vulnerable groups, such as children, people with heart and lung conditions and older people, and ensure they are provided with practical advice on what to do. This is especially important for schools, who need clear guidance on how to protect children during the school day.

Buses

We welcome the faster implementation of cleaner emissions standards for buses. Clean bus corridors will tackle the worst pollution hotspots by delivering cleaner buses on the dirtiest routes. The new Mayor’s manifesto, however, committed to buying only electric or hydrogen buses from 2020. So while we welcome bringing part of this forward to 2018, it is not clear what will be the proportion of hybrid to zero emission double deckers purchased. Hybrid buses still use diesel engines and so the proposed measure is weaker than his manifesto commitment. Single deckers make up 30 per cent of the bus fleet and therefore need to be addressed but there is no detail on whether there will be cleaner standards for purchasing new single deckers.

Public sector vehicles

In addition to cleaning up the buses, the Mayor should ensure the GLA and TfL clean up their vehicle fleet by ceasing purchasing or leasing diesel models when they need replacing. He should also support local authorities in London to do the same. This will help phase out the dirtiest vehicles from London’s roads.

Conclusion

We welcome the Mayor showing significant ambition to improve London’s air quality so early on in his term and are supportive of many of his proposals. However, he needs to go further and faster to meet his legal and moral obligations to protect the people of London from harmful air pollution. We urge him to seize this opportunity to put London on the path towards a cleaner, healthier and more sustainable future.

We look forward to the next round of consultation, where we hope to see the full details of a significantly more ambitious ULEZ proposal.

We would be happy to meet with the Mayor and GLA staff to discuss our ideas for improving the ULEZ in more detail.

Yours sincerely,

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