

PO Post Opening Tracking Sheet

Barcode Number



PO984

Date Post Opened

12 MAR 2014

Allocated to -

Handling Instructions

Level of urgency (Please circle) -

HIGH

MEDIUM

LOW

Type of Case -

PO

POCon

Invitation

Handle As -

Bespoke

Routine

Standard

Factsheet

Minister signing Please circle -

PATERSON

EUSTICE

DE MAULEY

ROGERSON

Lead Policy Area

(Division and policy contact, if applicable) -

Subject Line

To be entered into Contact

TRIPART Commission
PROCEEDINGS - ANTROGEN Dioxin

Handling Instructions

For Drafter

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DEFRA
RECEIVED

12 MAR 2014

MAYOR OF LONDON



CLEANER AIR
FOR LONDON

Rt Hon Owen Paterson MP

Secretary of State

Department for Environment, Food and Rural

Affairs

Nobel House

17 Smith Square

London SW1P 3JR

Date: 04 MAR 2014

Dear Owen

European Commission proceedings relating to non-compliance with nitrogen dioxide (NO₂)

As you know, on 20 February the European Commission sent a Letter of Formal Notice to the UK Government commencing infraction proceedings relating to non-compliance with nitrogen dioxide limit values under the Ambient Air Quality Directive (2008/50/EC).

I am sure you will share my disappointment at this decision – not least because it does not take into account the considerable steps I have already taken to improve air quality in the Capital and as it fails to recognise the European Commission's own role in continuing poor air quality across Europe through the underperforming Euro standards and support for the rush to diesel.

Improving air quality has been a priority for me since I was elected and I know from our discussions that you share this view. We are all aware of the very real health impacts of long term exposure to air pollution, especially for the young, old and those with existing health conditions. Nevertheless, while I am grateful for the support that the Government has given London to date, clearly we are not yet meeting EU legal requirements and we need to work together to ensure these are met as soon as reasonably possible, and by 2020 at the latest.

As you know, I have already taken significant steps to improve air quality including tightening the Low Emission Zone (LEZ) standards combined with expanding the scope of LEZ to cover large vans and minibuses; cleaning up the London bus fleet by building the largest fleet of hybrid buses in Europe, replacing the oldest buses with ultra low emission models and retrofitting others with NO_x reducing technology and introducing London's first taxi age limits taking more than 3,000 of the oldest, most polluting taxis off the street.

In the next few months detailed planning rules to ensure that all new buildings must be air quality neutral, to tackle emissions from biomass and combined heat and power boiler systems and to introduce minimum emission standards for construction equipment will come into effect.

Further action is needed, and for my part, I am committing to put London on the path to a zero emission future. To do this I am proposing an Ultra Low Emission Zone (ULEZ) in central London from 2020, have set out my plans for all new taxis to be zero emission capable from 2018, want all buses in central London to be hybrid or zero emission electric by 2020 and am investing nearly £1 billion in cycling to encourage more sustainable forms of transport. In addition, to support borough efforts to tackle air quality hotspots I have provided £20m in funding through my Mayor's Air Quality Fund.

However, while I am conscious of the need to take such appropriate measures which are within my power and resources to ensure fulfilment of the EU directive, I cannot solve London's air quality problem by myself. London's boroughs and neighbouring authorities, as well as Government and the Commission must play their part to fulfil their own legal duties. As set out in my statutory Air Quality Strategy (2010), for example, the Government controls many of the most effective and proportionate levers, including the use of fiscal incentives to promote the use of the cleanest vehicles. As part of this package I requested that the Government put in place a national NOx testing and certification regime. The absence of such a regime was part of the reason it was no longer possible for me to proceed with my initial proposals for LEZ Phase 5.

While the measures above will take us some way to meeting the EU limit values it is essential these are complimented by action at the national and European level. This would also reflect the fact that large parts of the UK, including all its major cities, are exceeding NO2 limit values. This is clearly a national issue requiring a national solution.

Therefore, I am asking for an urgent commitment from Government to the following measures. Many of these will have economic and environmental benefits well beyond London and in drawing up this list I have been mindful of the need to identify solutions which will help tackle the air pollution exceedences occurring across the UK:

- Implement the policies for government set out in Policy 13 of the Mayor's Air Quality Strategy to help improve air quality in London and ensure compliance with legal limits. This should include implementation of the full list of proposed regulatory changes to tackle air pollution emissions that I sent to the Rt Hon Patrick McLoughlin MP in July 2013, including amending tax incentive to address the rapid dieselisation of the car fleet.
- Urgently provide financial support to help deliver the ULEZ, to accelerate the uptake of zero emission capable taxis across the UK and to introduce pure electric buses into the London fleet. I have also recently written to the Transport Secretary setting out my proposals for allocating £199m of OLEV's £500m budget for 2015-2020 for this purpose and to reflect the scale of the air pollution challenge London faces.
- The Department for Energy and Climate Change should prioritise measures which address both CO2 emissions and air pollution, such as energy efficiency and boiler replacement, and formally include reducing air pollutant emissions as one of its objectives. As an easy first measure, DECC should establish a regional target for the Home Heating Cost Reduction Obligation (HHCRO) element of the Energy Company Obligation (ECO) from 2015. London continues to receive a significantly lower share of national funding to upgrade inefficient boilers in fuel poor homes (3.6% versus the capital's approximate 10% share of fuel poor homes), and there is no reason to suggest that a regional target would lead to increased costs for consumers.
- Support my efforts to create a London-appropriate Local Air Quality Management approach, placing clear responsibilities on London local authorities to monitor and improve air quality in their areas and strengthening my own powers. These enhanced responsibilities should be supported by an expanded national air quality grants programme, with £150m of funding available for local authorities over the next six years to 2020 with half this amount ring-fenced

for London and to be administered by the GLA. In London, this would be matched by the £20m I have already allocated to the Mayor's Air Quality Fund.

- Use the review of the Clean Air Act to put in place a robust national framework to tackle all emission sources, especially emissions from construction sources. This should include a general competence for local authorities to address emissions within their local area.
- Provide a comprehensive public information framework, including alerts during the worst exceedences to protect public health, in fulfilment of the legal duty places on the UK Government within the EU Ambient Air Quality Directive. This should include the Department of Health funding a regional network of airTEXT services, recognising the considerable health impact of both long and short-term exposure to air pollution.
- Accept that building an additional runway at Heathrow is not compatible with meeting our legal obligations to comply with European limits for NO₂ and must now be ruled out. Instead efforts must focus on building additional airport capacity in areas of the South East where potential human exposure to air pollution is minimised and can be more effectively mitigated.

Separately, my Deputy Mayor for Planning and Chief of Staff, Sir Edward Lister, is writing to the Chief Executive of the Environment Agency. The Agency has responsibility for regulating Part A industrial processes in London, such as those undertaken at Horn Lane and Neasden Lane. In recent years considerable improvements have been delivered at these sites thanks to joint working between the Environment Agency, GLA/TfL and London boroughs. Given the duty to protect public health as well as the legal and financial risk of not meeting EU legal requirements for all relevant pollutants, it is vital the necessary resources are allocated by the Environment Agency to sustain these improvements. This is especially important considering that measurements from the Horn Lane monitoring station will be reported to the European Commission for the first time this year.

As Defra develops it's response to the European Commission I trust my officials will continue to be fully involved and informed, and to support you where we can. I also look forward to receiving a copy of the Letter of Formal Notice.

I am copying this letter to the Rt Hon Patrick McLoughlin MP, Rt Hon Ed Davey MP and the Rt Hon Jeremy Hunt MP. Working together, with all levels of Government taking robust action, I am confident that we can improve air quality, protect human health and meet our European legal obligations in London and across the whole UK.

Yours ever,



Boris Johnson
Mayor of London

cc: Rt Hon Patrick McLoughlin MP
Rt Hon Ed Davey MP
Rt Hon Jeremy Hunt MP