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**9 June 2011**

Dear Consultee,

## **CONSULTATION ON AIR QUALITY PLANS TO MEET EU LIMIT VALUES FOR NITROGEN DIOXIDE (NO<sub>2</sub>) IN ENGLAND**

We are writing to invite views on updated draft air quality plans that set out the action taken and being planned at national, regional and local levels to meet the annual and hourly EU NO<sub>2</sub> limit values in England as soon as possible. These, along with relevant air quality plans from Scotland, Wales and Northern Ireland will form the basis of the UK notification to the European Commission in September 2011. The UK notification will seek, for those parts of the country where there is sufficient evidence, to postpone for up to 5 years from January 2010 the compliance date for the NO<sub>2</sub> limit values.

This consultation is made up of:

1. A draft UK overview document summarising the relevant air quality policy background and past, present and planned national measures to help tackle NO<sub>2</sub> pollution. This also includes details of a possible additional measure for a national Low Emission Zone (LEZ) framework that is currently under investigation.
2. A draft list of UK and National measures that have helped to reduce or are expected to reduce concentrations of NO<sub>2</sub>.
3. Draft air quality plans for the 30 air quality zones in England where our assessment for 2010 shows that additional time will be needed to meet in full the NO<sub>2</sub> limit values. The plans contain information required by the ambient air quality directive (2008/50/EC), describing for each zone the compliance situation (based on national assessment) and the regional/local measures<sup>1</sup> that will help to achieve compliance with the NO<sub>2</sub> limit values as soon as possible. Where air quality projections for a particular zone include an assessment of the possible impact of an LEZ, this is made clear in the plan. The draft plans have already been subject to a pre-

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<sup>1</sup> Details of measures in local air quality plans up to end 2009 are included. End 2009 was the cut off date to enable the modelling analysis and timely preparation of the draft air quality plans for each zone.

consultation with local authorities and their comments are being considered during the consultation period for possible inclusion in the final plans.

4. A draft technical report on the modelling and assessment methods used to assess the effectiveness of measures in reducing NO<sub>2</sub> concentrations in each zone.

You can either access all of the consultation documents directly via the Defra consultation webpage ([www.defra.gov.uk/consult/2011/06/09/air-quality/](http://www.defra.gov.uk/consult/2011/06/09/air-quality/)) or through the Defra air quality policy webpage ([www.defra.gov.uk/environment/quality/air/air-quality/eu/](http://www.defra.gov.uk/environment/quality/air/air-quality/eu/)).

The air quality plans are hosted on Defra's UK Air website which has been designed to help you find easily the air quality plan for the part of the country you are interested in (<http://uk-air.defra.gov.uk/library/no2ten>).

These documents are not being published in hard copy. However, if you experience any difficulty in accessing the versions on our website, please contact us by email at [EUAirQuality@defra.gsi.gov.uk](mailto:EUAirQuality@defra.gsi.gov.uk).

Air quality is a devolved matter and there are separate consultations by the administrations in Scotland, Wales and Northern Ireland.

### **What we are seeking your views on:**

**We welcome your comments on this package of draft air quality plans that we intend to submit to the European Commission in September, in particular the extent to which these represent correctly the efforts underway at national, regional and local level to achieve compliance with the NO<sub>2</sub> limits as quickly as possible.**

**The plans have been drawn up with input from local and regional authorities but it is important that they properly reflect the action being taken so your input is welcome.**

### **Policy Background**

The EU Ambient Air Quality Directive (2008/50/EC) sets limits for major air pollutants including nitrogen dioxide (NO<sub>2</sub>) with the aim of protecting human health and the environment. Health evidence has shown that at high levels, NO<sub>2</sub> can cause inflammation of the airways and long term exposure may affect lung function and respiratory systems. The current NO<sub>2</sub> limits were introduced in 1999 and had to be achieved by 2010. Road transport is the dominant source of pollution in areas exceeding the limit values.

Based on 2008 projections, compliance with the limit values will have been achieved in 2010 over large parts of the UK. UK emissions of NO<sub>x</sub> fell by 39% between 2000 and 2009 as a result of many measures introduced over the last decade to tackle air pollution. However, the UK, along with most other EU Member States, faces challenges in achieving full compliance in our major cities and towns. These challenges have increased since agreement of the current directive in 2008 as evidence around the underperformance of EU diesel vehicle emission standards in relation to NO<sub>x</sub> has emerged.

Despite these improvements, our assessment shows that parts of 30 of the 31 air quality zones in England are likely to require additional time to meet the limit values and the draft air quality plans presented in this consultation will form part of the UK notification that has

to be submitted to the Commission by September 2011, along with the Commission's notification forms that summarise the content of the plans.

The Commission has up to nine months to raise any objections to the air quality plans that are submitted. For those zones where no objections are raised, the Air Quality Standards Regulations 2010 will be amended to reflect the new compliance deadline.

Our projections of future air quality show an improving picture with 95% of UK roads assessed in compliance with the limits by 2015 (up from 83% in 2010). However, further action will be necessary to achieve the limit values at all roadside locations in a number of our major towns and cities by 2015. We are therefore exploring scope for additional measures to hasten compliance including in particular, a possible national framework for LEZs to support and facilitate the introduction of LEZs at local level. An initial Impact Assessment<sup>2</sup> provided an initial analysis of the possible costs and impacts of LEZ measures and on this basis, projected impacts are included in air quality plans for some towns and cities. Of course, decisions on whether to implement LEZs are for the relevant local authorities and any firm proposal arising from current investigations will be subject to a separate consultation.

## Responses

Please email responses to: [EUAirQuality@defra.gsi.gov.uk](mailto:EUAirQuality@defra.gsi.gov.uk)

Or post to: Ekoere Deinne, Atmosphere and Local Environment Programme, Defra, Area 5F, Ergon House, Horseferry Road, London, SW1P 3AL

**Responses must be received by Friday 5 August 2011.** As relevant local authorities and the Greater London Authority have already had the opportunity to input into the draft air quality plans for their area, this consultation period is limited to eight weeks. As the plans must be submitted to the European Commission by September, it is important to allow sufficient time to consider and address comments made.

## Consultation criteria

This consultation is in line with the code of practice on consultations. This can be found at <http://www.bis.gov.uk/files/file47158.pdf>

At the end of the consultation period, copies of the responses we receive will be made publicly available in the Defra Information Resource Centre. This is so that the public can see them. Also, members of the public may ask for a copy of responses under freedom of information legislation.

If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note, if your computer automatically includes a confidentiality disclaimer that will not count as a confidentiality request.

Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But,

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<sup>2</sup> For a link to the Impact Assessment see: <http://www.defra.gov.uk/environment/quality/air/air-quality/eu/>

because of the provisions of freedom of information legislation, we cannot promise that we will always be able to keep those details confidential.

We will summarise all responses and place a summary on our website at [www.defra.gov.uk/consult/2011/06/09/air-quality/](http://www.defra.gov.uk/consult/2011/06/09/air-quality/). This summary will include a list of names of organisations that responded but not individual's names, addresses or contact details.

To see consultation responses and summaries, please contact the library at:

Defra Information Resource Centre  
Lower Ground Floor  
Ergon House  
17 Smith Square  
London  
SW1P 3JR

Telephone: 020 7238 6575

E-mail: [defra.library@defra.gsi.gov.uk](mailto:defra.library@defra.gsi.gov.uk)

Please give the library 24 hours' notice. There is a charge for photocopying and postage.

If you have any comments or complaints about the consultation process, please address them to Rhonda Marshall, Consultation Co-ordinator, Defra, Area 7C, Nobel House, 17 Smith Square, London SW1P 3JR, or e-mail [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

Yours Faithfully,

**STUART GIBBONS**