Written evidence submitted by the Local Government Association (LGA) (IAQ0070)

1. About the Local Government Association (LGA)

1.1 The Local Government Association (LGA) is the national voice of local government. We work with councils to support, promote and improve local government.

1.2 We are a politically-led, cross party organisation which works on behalf of councils to ensure local government has a strong, credible voice with national government. We aim to influence and set the political agenda on the issues that matter to councils so they are able to deliver local solutions to national problems.

2 Summary

2.1 Providing clean air is the responsibility of central government. Councils have a role to play in helping the Government to deliver this responsibility. The Government’s air quality plans can be successful but they need local leadership, sufficient funding and to be accompanied by robust national action.

2.2 Government action in tackling Nitrogen Dioxide levels has been brought about by infringement action by the European Union and subsequent legal challenges by environmental groups. If we limit the scope of our action to simply doing the minimum necessary to comply with legal limits of a single type of pollutant, we risk repeating mistakes of the past and ignoring the wider public health ramifications of failing to provide clean air.

2.3 We are calling for a wider strategy for developing cleaner air with support for targeted local intervention and national policy to develop a greener vehicle fleet. We would also like to see the Government give greater priority to demand management, and more active travel and public transport.

3 How effectively do Government policies take into account the health and environmental impacts of poor air quality?

3.1 The Government’s latest air quality plan for Nitrogen Dioxide in the UK acknowledges the damage that poor air quality is doing to the health of the population. The publication of the Government’s strategy demonstrates this is an urgent problem that the UK needs to fix.

3.2 The air quality plan has been published to comply with the EU directive on airborne pollutants. Whilst compliance would improve the UK’s air quality, it is important to acknowledge that the EU limits do not reflect what is considered healthy. No level of exposure to Nitrogen Oxide (NOx) is good for human health and we should be looking at ways to deliver ever cleaner air. Improving our air quality is necessary and will continue to be after we leave the EU, so we should not limit of our ambition.

3.3 Whilst policies specifically addressing air quality help to address the problem, there is still more that could be done to reflect air quality considerations in related policy choices. The Government has, for example, focused its productivity investment fund on road building as a means to develop new capacity. Investment in roads may help to ease these problems, but it is important that we have an overarching congestion strategy to tackle the issue
and increase productivity. In order to tackle congestion and improve air quality, councils need the tools to ease traffic management in their local areas.

3.4 As the LGA highlighted in our recent report on tackling congestion, there are many alternative ways that the Government could help tackle congestion, based on local authority best practice that would also improve air quality.¹ We would welcome consideration of viable alternatives as part of any bidding process.

3.5 Councils’ ability to understand the causes behind air quality issues in their areas is unique, because it is rooted in their understanding of their communities. We want to switch our focus from simply monitoring air quality to improving air quality and taking proactive measures. It is right that the Government’s plan recognises the vital role councils have to play in achieving this.

3.6 We are currently waiting for national strategies on other pollutants, especially particulate pollution, and coordinated national measures to reduce them. This is why the LGA has supported calls for a national diesel scrappage scheme as a measure to help those that had bought diesel vehicles in good faith after being encouraged to by previous Government policy.

4 Do these plans set out effective and proportionate measures to achieve necessary emissions reductions as quickly as possible?

4.1 The measures proposed in the Government’s air quality plan have the potential to improve air quality and bring the UK closer to compliance. However, the plan does not provide a sense of which interventions will have the greatest impact or which should be prioritised, in contrast to the original technical document issued in the spring. This is crucial for local authorities to understand which interventions will be most successful.

4.2 The technical report accompanying the original clean air plan consultation document sets out clearly that Clean Air Zones (CAZ) will have the most significant impact in bringing NOx levels down. It is the Department for Environment, Food and Rural Affairs’ (DEFRA’s) plan to require all local authorities that have an area of air quality exceedance to submit a plan for approval by the Secretary of State. Without a greater understanding of what DEFRA considers to be the most effective interventions, and in what circumstances, it is difficult to know whether a council’s plan will be acceptable to the Secretary of State. We expect DEFRA will adhere to the evidence it has released in the technical document but this is not made explicit in the plan.

4.3 The plan also puts an onerous new requirement on authorities to demonstrate that they have considered the impact of all possible measures. This will place an unnecessary burden on local authorities as presumably they will have to demonstrate the ineffectiveness of measures that they are legally obliged not to carry out. Councils will have to demonstrate the ineffectiveness of measures that DEFRA’s own technical report clearly indicates will not achieve the required improvements to reach compliance.

4.4 In addition, the clean air plan states that the Secretary of State will require authorities to demonstrate that the measures adopted will bring about compliance in the quickest possible time, whilst avoiding a detrimental impact on local businesses. It is likely that these two imperatives will be in conflict. The ClientEarth judgement was clear that ‘as soon as possible’ should be

¹ https://www.local.gov.uk/tackling-congestion
understood to mean measures that were likely to be successful as quickly as possible without regard to economic considerations until compliance is reached.

4.5 The plans contain a contradiction when it comes to buses. Buses are amongst the biggest contributors to nitrogen dioxide emissions on a per vehicle basis as they are usually diesel vehicles. However on a per passenger basis they have a considerably lower impact on NO2 emissions. Buses are likely to be included in chargeable clean air zones unlike cars, which could lead to increasing costs for operators and higher fares for passengers. This could result in less people using buses, which would be counter-productive from an air quality perspective.

4.6 Whilst we welcome the Government’s attention on the 2040 target to ending the sale of conventionally fueled vehicles, we do need further clarity on how the Government intends to enable this transition or enforce the deadline. It is also too far away to drive action on a public health problem that is shortening lives now. Focusing on long term transition seriously risks overlooking short term measures that could have drastic improvements on public health in areas where air quality problems are at their most severe.

4.7 Concentrating on individual pollutants also risks compounding the mistakes of the past. It is now acknowledged that the Government's focus on reducing CO2 in order to combat climate change has led to the championing of diesel. This in turn reduced the rate of progress on reducing NO2 levels which are more immediately harmful to human health. By focusing on reducing NO2 levels rather than the full suite of air pollutants there is a risk that we view electric cars as the means to solve this problem, when we are not fully tackling the issue.

4.8 Electric cars will still produce particulate matter through tyre and brake wear and there is an emerging scientific view that particulate matter could be responsible for many of the deaths attributed to nitrogen oxides. The primary focus of our policy should be clean air and should be focused on demand management, and enabling active and public transport travel as a first priority where that is feasible. The additional electricity capacity required to fuel a primarily electric fleet will also need to be generated from zero emission sources. There is little point in trading tail pipe emissions for emissions from power stations. We hope that the Government's industrial strategy will look at how this transition will be managed. Electric cars will almost certainly become an important part of transportation in the UK but they should not be viewed as a panacea for clean air.

4.9 Whilst councils will do the best they can to improve air quality in their local areas, they do not have power over significant infrastructure projects such as the Strategic Highways Network or major rail connections. This infrastructure has a significant impact on congestion and air quality. Therefore, air quality plans have the potential to be successful but they need local leadership, sufficient funding and to be accompanied by robust national action.

5 Are other nations or cities taking more effective action that the UK can learn from?

5.1 A key barrier to more effective air quality solutions is that decisions affecting local transport remain too centralised. Previous LGA research\textsuperscript{2} reveals that
councils have much less autonomy to act than comparable municipalities in other European countries. Councils in the UK have less discretion over policy and have less revenue raising power. This in turn means that local areas have a reduced ability to develop their own solutions autonomously.

5.2 For example, Madrid has introduced a system of car bans from its city centre at times of peak air pollution with alternate numbered license plates banned on alternating days. There is an exemption for cars with more than three people, taxis and buses. Paris institutes a similar system and also allows free travel on public transport in the city centre to encourage people to move to less polluting modes of transport.

5.3 Many cities around the world have announced a process to take diesel cars off their roads by 2025. The mayors of Paris, Madrid, Athens and Mexico City all announced their intention to do so last year.

5.4 France has a windscreen sticker system called Crit’Air vignette. Vehicles are categorised by emission standards with different colours for different bands. The stickers are compulsory and allow certain areas to restrict entry for certain kinds of vehicles.

5.5 Norway has also pioneered approaches to increasing electrification across a wide range of areas. Norway has the highest per capita number of all-electric cars in the world: more than 100,000 in a country of 5.2 million people. Last year, electric vehicles constituted nearly 40 per cent of the nation’s newly registered passenger cars. They have achieved this uptake by exempting electronic vehicles from sales tax and offering free power at public charging points.

5.6 It is clear that other parts of the world have developed policy responses to the problem of air pollution. They have been able to do so because of clearer government focus in some areas and greater local flexibility and autonomy in order to allow localities to take the lead. Both of these approaches would be welcome in the UK with the Government taking a clearer view of how they intend to act to maximise the health benefits of better air quality and allowing localities greater flexibility in designing solutions for specific local issues.

6 Is there enough cross-government collaboration to set in place the right fiscal and policy incentives?

6.1 The joint air quality unit led by DEFRA and DfT is a welcome development which brings together the two key agencies who need to co-ordinate responses to deal with this issue. Most of the interventions that the clean air plan advocates are traffic measures and it is therefore important that the DfT is fully engaged.

6.2 The Government has announced that it intends to change the tax treatment of diesel. This is welcome as there needs to be clear signals to consumers that diesel engines cause emissions and will need to be gradually phased out. It is also the means by which the Government intends to pay for the clean air fund. It is important that this new tax treatment is well signaled in advance, given that many people had bought diesel vehicles in good faith as previous governments had incentivised a move away from petrol vehicles to meet climate change targets. This is one of the reasons that the LGA supports a national diesel scrappage scheme to help ensure people that bought diesel
vehicles in good faith are not unfairly penalised.

6.3 Up until April 2017, the Government provided incentives for cars with low emissions through a Vehicle Excise Duty (VED) system. These incentives were changed in the Spring Budget 2015 (made to come into effect in 2017). The outgoing VED system, based on vehicle emissions, was introduced in 2001 as part of a push to reduce pollutants being released into the atmosphere. Vehicles that emitted more pollutants cost more to tax, in an effort to persuade drivers to consider buying cleaner vehicles.

6.4 As of 1 April 2017, the VED system rules have changed, which means that new cars are subjected to different costs. The current first year rate system has been changed so that only zero-emissions cars will be exempt and owners of higher-emitting new cars will pay a premium, with a first year charge of up to £2,000. After the first year, all cars will be subject to the same standard rate of £140 per year, regardless of the level of emissions omitted (except for zero-emissions cars). It is still important for the VED system to incentivise drivers to purchase cars with low emissions and differentiate between the levels of emissions after the first year. This is why we have called for the Government to re-examine the VED system, so it is consistent with wider Government policy to encourage a reduction in emissions.

6.5 The Government has announced its intention to push for electrification of the vehicle fleet, which is a welcome development. We need clarity on how the transition to electrification will be enabled. There is a role for national government in ensuring common standards and interoperability. There will also need to be fiscal incentives to develop the technology and ensure comprehensive charging infrastructure is in place. Whilst it is likely that life time costs of electric vehicles will be comparable with conventional fuels in the near future, the lack of charging infrastructure could result in a vicious cycle. If there is a lack of charging points could slow the uptake of vehicles and the slow uptake will reduce the return on investment on installing charging points. The Government, together with the motor industry, can help to break this cycle through initial up-front investment.

6.6 The main driver for the current focus on air quality is the ongoing infraction procedure initiated by the EU in 2014. This could result in the UK receiving large fines by 2020. It is unclear how this will be affected by the UK's decision to leave the EU and the transposing of EU law into British law. In 2011 the Government awarded itself the power to pass on fines it received from the EU. The LGA has long been opposed to this power as there is a significant risk that levying a fine on a council would be completely counterproductive. With a 40 per cent reduction in core funding in the last Parliament and ongoing spending pressures, councils will find it difficult to support clean air plans without additional support. Levying a fine would have a detrimental impact on a council's ability to improve their air quality plans.

7 How can those charged with delivering national plans at local level be best supported and challenged?

7.1 We welcome the Government's announcements on clean air funding. It will be important for the funding process to be simple, quick and give local authorities discretion to use the funds as they see fit. Devising a complex bidding process will waste time and resources. If a local authority prepares a local clean air plan but its bid for funding is not successful, it could leave councils in an impossible position. A bidding process where all bids will be successful calls into question the rationale for a competitive process in the first place.
7.2 We support the principle of local plans to deal with areas of exceedance with the local authority determining what is best for their area. However the current provisions include a process of submitting the plans to the Secretary of State for approval. We would prefer that there was no process of Secretary of State sign off. If approval is needed, it should be as a constructive challenge to ensure local plans are feasible and outline what changes need to be made to go ahead.

7.3 Whilst we welcome the ability to shape local plans, councils also need more access to powers to reduce congestion. Free flowing traffic improves air quality and so anything that local authorities can do to reduce congestion will help the problem.

7.4 It is positive to see the Government is considering allowing more local authorities to use lane rental powers. This has been proven in Kent and London to reduce the amount of time taken by roadworks and the delays this produces. We have responded to the Government’s consultation on this issue to allow all authorities to access these powers if they wish to use them.

7.5 The Government should also allow the full implementation of part six of the Traffic Management Act 2004. This would allow councils to enforce moving traffic offences through decriminalised Penalty Charge Notices (PCNs). Currently these powers still rest with the police for all of England outside London. Their enforcement is not a priority due to resourcing issues and this limits the effectiveness of measures councils take to improve traffic flow. These powers have been on the statute book for thirteen years awaiting secondary legislation. The powers to enforce bus lanes and parking controls were devolved many years ago and are undertaken successfully by councils. The ability to enforce these restrictions will lead to an improvement in traffic flow and an associated improvement in air quality.

7.6 Nottingham has successfully trialled a workplace parking levy which has seen peak time travel improvements and has also seen greater investment in public transport alternatives to private cars. Introducing a workplace parking levy requires sign off from the Secretary of State and we would welcome a statement of support that authorities who wish to access this power in the future would be supported to do so. These three powers have had an impact on congestion where they have been trialled and could be used by more authorities to improve traffic flow which will in turn improve air quality.

7.7 The Government should also examine the funding and priority it currently places on encouraging modal shift, especially towards active travel. Moving as many journeys as possible out of cars will help with this problem and a whole set of related public health issues associated with inactive lifestyles. The LGA would support clean air plans that look at how this can be achieved and how active travel and public travel can be encouraged effectively.

7.8 In the short term it would be helpful if the Government fully funded concessionary fares as there is currently at least a £200 million shortfall in the funding provided by central government which means that councils are having to divert money that could be used to encourage modal shift to plug this gap.

7.9 The Government should also seek to devolve the payment of the bus service operator grant. This is currently a subsidy on fuel used by bus operators which acts as a direct disincentive to bus operators pursuing more fuel efficient vehicles. Devolving this money has been shown to be a successful way to increase bus patronage in areas where it has been trialled, such as Liverpool.