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Boris Johnson
Mayor of London
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28th of June 2010

Dear Mayor Johnson

Proposed deferral of the inclusion of larger vans and minibuses in the LEZ from 2010 to 2012

We are writing to provide you with our views on the proposed deferral of the inclusion of larger vans and minibuses into the London Low Emission Zone. Environmental Protection UK has considered the draft document, and welcomes the opportunity to comment.

1– About Environmental Protection UK

Environmental Protection UK brings together organisations from across the public, private and voluntary sectors to promote a balanced and innovative approach to understanding and solving environmental problems, through policy development and education. We are a registered charity with 110 years experience of environmental campaigning, public information provision, producing educational resources and policy formulation.

Environmental Protection UK's air quality policy committee has been involved in the development of this response. The committee brings together policy makers, regulators and practitioners from local authorities, consultants, developers, academics, industry and interested NGOs as well as members from Environmental Protection UK's regional divisions.

2 – Summary of Our Views

Environmental Protection UK strongly disagrees with the Mayor's proposals to delay implementation of the third phase of the Low Emission Zone (LEZ phase 3). Delaying implementation sacrifices proven health benefits for Londoners, and reduces the likelihood of London complying with legally binding European air quality Limit Values. Low Emission Zones work by bringing forward (in time) the benefits of cleaner vehicles when compared to a business-as-usual approach by removing older, dirtier vehicles from a geographical area. Delaying implementation therefore greatly weakens their impacts and means that health benefits are lost forever – it doesn't mean that benefits will be merely postponed.

The Mayor has already announced his intentions to delay implementation LEZ phase 3 in his (finalised) transport strategy and draft air quality strategy, and any decision to reverse this proposal would mean that both documents would have to be re-written. More importantly, the consultation document states that as adequate lead-in time is needed to establish the third phase, and give those affected chance to comply, it is now not possible to introduce LEZ phase 3 to the original October 2010 deadline. This put the consultation document in the rather absurd situation of assessing two options, of which only one is now possible to take forward. A more useful comparison would have been between the earliest date now possible to introduce the third phase, and the preferred January 2012 introduction.

The consultation also puts organisations responding in the position of responding to a decision that seems to be effectively 'signed, sealed and delivered'. In such a situation we can only re-iterate our previous position that the third phase of the LEZ should be put in place as soon as possible, and highlight flaws in the impact assessment. We are also responding to the consultations on the Mayor's draft air quality strategy and the proposed changes to congestion charging, and these should be read alongside this response.

Paragraph 5.44 of the consultation document states that 'the LEZ provides a tried and tested mechanism available to the Mayor to achieve reductions in emissions from road transport'. This is very true, but it is not true of many of the mechanisms set out in the Mayor's Draft Air Quality Strategy that are hoped to reduce emissions of PM₁₀ in the London area. These are instead novel and untested, and may not have the impact that the Mayor desires. The decision to delay LEZ phase 3 has been made on economic grounds, with the Mayor deciding that the economic impact on minibus and van operators outweighs the health benefits for London citizens. Whilst monetisation techniques can help justify decisions such as these, ultimately it is a value judgement and we strongly disagree with the decision that the Mayor has made.

3 – Comments on the Impact Assessment

We note that the consultation on deferring the LEZ phase 3 is running concurrently with consultations on changes to the congestion charge and the Mayor's draft air quality strategy. It is therefore important that the impacts of the proposed deferral of the LEZ phase 3 is considered in the context of the impacts of these other proposed policies, however at the time of writing the full Integrated Impact Assessment for the Mayor's draft air quality strategy has not been published. This makes it extremely difficult for respondents to this (deferral of LEZ phase 3) consultation to consider the actual impacts of the full policy package (including deferring LEZ phase 3) on health and compliance with EU limit values. With this in mind we request that the Mayor urgently:

- Publishes the results of the health impacts study mentioned on page 14 of the Mayor's draft air quality strategy
- Publishes modelling or estimates of the likelihood of the PM₁₀ daily limit value being breached in 2011 in London if LEZ phase 3 were to be postponed, and the impacts of any measures introduced by the draft air quality strategy that would help mitigate these impacts
- Extends the deadline for responses to this current consultation on LEZ phase 3 to allow respondents time to comment in the light of information contained in these two documents

In terms of the section of the consultation document detailing the impacts of the decision to delay implementation of the third phase of the LEZ, we have the following comments to make.

5.5 – Emissions Impact

The figures presented here seem to suggest that there will be significant pre-compliance with the delayed introduction, but make no similar assumptions for the original date of introduction. As we pointed out in section 2 above, the situation of comparing the Mayor's intended policy with one (the original date of introduction) that now can't happen due to the lead in time needed is absurd, and a more valid comparison would be between the earliest date now possible for the third phase to be introduced (which should include a consideration of pre-compliance benefits) with the proposed January 2012 introduction. With this in mind, the emissions estimates shown in figures 2 and 3 are of limited use.

We note that paragraph 5.15 states that only a small number of central London locations are now at risk of exceeding European PM₁₀ limit values. We also note that the Mayor is proposing to remove the Congestion Charge Western Extension, which will have the effect of removing a measure that currently reduces air pollution (including PM₁₀) in central London. The Mayor has postulated that measures introduced in his draft air quality strategy will mitigate any negative impacts caused by the removal of the Western Extension. However, we would again like to remind the Mayor that by doing so, he is replacing a measure that is tried and tested with ones that are novel and untested.

We are well aware that the UK Government has recently submitted a fresh time extension application for meeting PM₁₀ limit values in London to the European Commission. In this, the Government has assumed that the LEZ phase 3 will be delayed (pre-judging the outcome of this consultation), but assumed that the Western Extension will stay (contradicting the Mayor's policy intentions). We also do not support the methodology used by the UK Government to model compliance, which has used changes to the baseline and monitoring procedures, coupled with the subtraction of PM₁₀ from natural sources, to demonstrate compliance. This may well be within the EC's rules, but by reducing the level of health protection provided by the European Limit Values it provides a very hollow health 'victory' for the UK.

5.36 – Deferral Benefits and Costs

Paragraph 5.45 states some of the problems with monetising the benefits of policies to improve air quality, as raised by the Environmental Audit Committee. Currently, monetising the benefits of air quality improvements means that the health impact of several air pollutants are ignored where the science basis for quantification is incomplete, and also that the impacts of air pollutants on sensitive ecosystems are discounted. It also involves value judgements on the financial value of life expectancy and good health. By contrast, the compliance costs on the other side of the cost/benefit equation are well known, as they simply involve the cost of replacing or upgrading vehicles. As such cost/benefit analysis is a useful tool for investigating the impact of policies, but should not form the 'be all and end all' of policy analysis. Ultimately the decision to delay implementation of the third phase of the LEZ is a value judgement by the Mayor, and one that we strongly disagree with.

6 – Emission Estimates

Section 6 provides estimates of emission reductions of PM₁₀ across London to 2015. It would be useful, however, to relate these to estimated concentrations with suitable

sensitivity analysis. We note that concentrations of several air pollutants, most notably NO₂, have not reduced in line with projected emission estimates for several years now, and it should not be simply assumed that concentrations will fall in line with emission reductions in the future.

4 - Contact Us

If you require any further information on the views expressed in this response please contact:

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