



Port Health & Environmental Services Committee

Date: THURSDAY, 8 NOVEMBER 2018

Time: 10.30 am

Venue: COMMITTEE ROOMS, 2ND FLOOR, WEST WING, GUILDHALL

Members:

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|--|---------------------------|
| Jeremy Simons (Chairman) | Graeme Harrower |
| Deputy Keith Bottomley (Deputy Chairman) | Christopher Hill |
| Deputy John Absalom | Deputy Tom Hoffman |
| Caroline Addy | Deputy Wendy Hyde |
| Alderman Nick Anstee | Deputy Jamie Ingham Clark |
| Alexander Barr | Shravan Joshi |
| Adrian Bastow | Vivienne Littlechild |
| Deputy John Bennett | Andrew McMurtrie |
| Peter Bennett | Andrien Meyers |
| Tijs Broeke | Deputy Brian Mooney |
| John Chapman | Deputy Joyce Nash |
| Peter Dunphy | Henrika Priest |
| Mary Durcan | Jason Pritchard |
| Deputy Kevin Everett | Deputy Richard Regan |
| Anne Fairweather | Deputy Elizabeth Rogula |
| Alderman David Graves | Mark Wheatley |

Enquiries: Sacha Than / sacha.than@cityoflondon.gov.uk

NB: Part of this meeting could be the subject of audio or video recording

John Barradell
Town Clerk and Chief Executive

AGENDA

Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **EMISSIONS REDUCTION PROPOSAL**
Joint Report of the Director of Markets and Consumer Protection and the Remembrancer.

For Decision
(Pages 1 - 8)
4. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
5. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
6. **EXCLUSION OF THE PUBLIC**
MOTION – That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act.

Part 2 - Non-Public Agenda

7. **WASTE COLLECTION, STREET CLEANSING AND ANCILLARY SERVICES CONTRACT FINAL RECOMMENDATION**
Report of the Director of the Built Environment.

For Decision
(Pages 9 - 40)
8. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE**
9. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERED URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

Agenda Item 3

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| Committee | Dated: |
| Port Health and Environmental Services Policy and Resources | 8 th November 2018 15 th November 2018 |
| Subject: Emissions Reduction Proposal | Public |
| Report of: Director of Markets and Consumer Protection Office of the City Remembrancer | For Decision |
| Report author: Ruth Calderwood, Air Quality Manager Jaysen Sharpe, Assistant Parliamentary Affairs Counsel | |

Summary

The City Corporation, in its capacity as a local authority, has a statutory duty to take action to improve local air quality. Air pollution is generated from many sources in London. There is a great deal of action underway to reduce emissions from road traffic but a lack of effective controls to deal with emissions from combustion plant (boilers, generators, non-road mobile machinery and combined heat and power plant). Data produced by the Greater London Authority indicates that emissions of NO_x (oxides of nitrogen) from combustion plant will far exceed that of traffic in the Square Mile by 2020.

The Clean Air Act 1993, which has historically been used by local authorities to deal with sources of air pollution other than road traffic, is outdated and not fit for today's fuels and technologies. It is still used in some parts of London to specify chimney heights for commercial sized boilers, but it offers very few additional powers that are of use today.

The City Corporation has previously corresponded with Government officials over an update to the Clean Air Act 1993. It appears that a review is not now being taken forward. Instead, the Government has published a draft Clean Air Strategy which indicates an intention to provide local authorities with additional powers to control emissions from combustion plant. No firm details have been provided, but it is understood that powers may be made available in a new Environment Bill once the United Kingdom leaves the European Union.

The City Corporation has drafted a set of London specific, focused proposals which would provide new adoptive powers for London local authorities to control emissions from combustion plant. This would be through the designation of an Air Quality Improvement Area if levels of air pollution are higher than World Health Organisation Air Quality Guidelines. Emissions limits for Oxides of Nitrogen (NO_x) and small particles (PM₁₀) for different combustion plant would be set by the Secretary of State for Environment, Food and Rural Affairs.

A note on the draft proposals is attached as Appendix 1.

Recommendation

Members are asked to:

- approve the principles of the proposals and grant authority to consult with the Department of the Environment Food and Rural Affairs, the Greater London Authority, London Boroughs and other interested parties, and to seek the assent of London Councils.

Main Report

Background

1. The City Corporation, in its capacity as a local authority, has a statutory duty to review air quality. This duty also falls on London Boroughs and other local authorities. If concentrations of pollution are above set limits in part, or all, of their area, local authorities are required to declare that zone an Air Quality Management Area (AQMA). The whole of the City has been an AQMA since 2001.
2. Following the declaration of an AQMA, local authorities must develop and implement an action plan to improve air quality. The City Corporation's current action plan is contained within the City Corporation Air Quality Strategy 2015 - 2020. Work is underway to renew this strategy and consultation will commence in early 2019.
3. Local authorities have been given the responsibility to improve air quality with very few regulatory controls. One of the main pieces of clean air legislation, the Clean Air Act 1993, which deals with sources of air pollution other than road traffic, is outdated and not fit for today's fuels and technologies. It is still used in some parts of London to specify chimney heights for commercial sized boilers, but it offers very few powers that are of practical use today.
4. Air quality monitoring within the City has revealed that combustion plants can lead to elevated levels of air pollution locally and collectively; they contribute a significant amount to background levels of air pollution, particularly in central London.
5. Much of the action to deal with air pollution to date has relied on the use of other local government regulatory mechanisms, such as planning and traffic management, together with the encouragement of behaviour change and best practice. This has not been particularly effective and, in part, has resulted in air quality in London remaining a problem despite years of action.
6. The City Corporation has written to the Government on a number of occasions to ask for additional powers, principally to deal with combustion plant (boilers, generators, combined heat and power plant). Data produced by the Greater London Authority indicates that emissions of NO_x (oxides of nitrogen) from combustion plant will be over twice that emitted by road traffic in the Square Mile by 2020.
7. There is much discussion underway about a new Clean Air Act for England and Wales. A private members' Bill by Geraint Davies MP ('the Clean Air Bill') has had

its first reading in Parliament. The second reading is scheduled for October 2018. This Bill would require the Secretary of State to set, measure, enforce and report on air quality targets; to make provision about mitigating air pollution, including the use of clean air zones; to make provision about vehicle emissions testing and to restrict the approval and sale of vehicles with certain engine types.

8. Baroness (Jenny) Jones has also introduced a private members' Bill, the 'Clean Air (Human Rights) Bill', to the House of Lords. This Bill would establish the right to breathe clean air as a human right and proposes the formation of a Citizens' Commission for Clean Air. It would impose a duty on local authorities in England and Wales to achieve clean air throughout their area within 12 months of the Bill's enactment. It does not, however, provide any new powers for local authorities to reduce emissions.
9. The City Corporation has identified a need for a practical, local authority focused piece of legislation to deal with emissions from combustion plant. This is not directly addressed by either of the above Bills.

The City Corporation's draft proposals for a private members' Bill

10. The City Corporation draft proposals provide new adoptive powers for London local authorities to enable the control of emissions from a variety of combustion plant. This would apply where levels of air pollution are greater than those stipulated in World Health Organisation Air Quality Guidelines. Any such area would be designated an Air Quality Improvement Area. The applicable emissions limits for Oxides of Nitrogen (NO_x) and small particles (PM₁₀) for the plant would be set by the Secretary of State for the Environment, Food and Rural Affairs.
11. The proposals include setting emission limits for gas and solid fuel boilers under 1 Megawatt in size. 'Solid fuel' is fuel such as wood or coal which is solid, rather than gas. This would capture appliances which will not be regulated under the Medium Combustion Plant Directive. This Directive has recently been transposed into domestic legislation. It sets emission limits for larger sized plant and will be regulated by the Environment Agency.
12. The proposals also recommend emission limits for a range of other machinery to ensure that any piece of defined plant used within an area, whether temporary or permanent, would meet high emission standards. Specifically:
 - non-road mobile machinery – this includes mobile generators such as those used in street works, to support filming and a range of construction equipment
 - generators – in buildings these are used for supplying electricity to that building in the event of an emergency
 - combined heat, cooling, and power plants – this is equipment that uses a heat engine to produce electricity, as well as useful heat and in some cases cooling

13. The limits imposed in respect of gas boilers, solid fuel burners, and combined cooling heat & power plants would not affect current installations. This would ensure that people who have purchased such appliances would not be disadvantaged by the provisions, which would only apply to future installations. The proposals would provide clarity and consistency for equipment installed or used in designated areas in London.
14. The proposals would also allow for the designation of times during which the operation of stationary generators in buildings would be prohibited, other than in an emergency. This is likely to be under certain weather conditions when air pollution is already high. Currently, stationary generators can be operated to sell electricity to the National Grid, or to provide electricity to the building in times of peak electricity demand. The original purpose of a standby generator is generally just to provide backup electricity during a power cut.
15. The proposals also include an increase in the fine for stationary idling from £20 to £100, to provide a more effective deterrent.

Consultation

16. London Councils has agreed to work with the City Corporation on the development of the proposals. The Chairman of London Councils Transport and Environment Committee (TEC) spoke about the proposals in an update to TEC Committee on 11 October 2018. Informal discussions have been held with London Boroughs at an officer level, all of whom were supportive of the principles outlined.
17. More formal consultation with the Department for Environment, Food & Rural Affairs (Defra), the Greater London Authority, London Councils, London Boroughs and other relevant stakeholders is proposed if Members approve this report.
18. Defra recently published a draft Clean Air Strategy for consultation. The draft strategy contains the proposals detailed below. No timescales have been given. It has been suggested by Defra that these provisions may form part of a new Environment Bill, which is scheduled for publication once the United Kingdom has left the European Union. The proposals are in line with those of the City Corporation:
 - Close the regulatory gap between the current Ecodesign, and Medium Combustion Plant Directives to tackle emissions from plants in the 500kW to 1MW thermal input range.
 - Consider the case for setting tighter emission controls for biomass installations to reduce PM pollution from energy generation.
 - Give local government new legal powers to take decisive action in the most polluted areas through local Clean Air Zones that can lower emissions from a wider range of sources than transport alone.
 - Cut emissions from non-road mobile machinery and give local authorities tough new powers to control the use of such machinery where it is causing an air pollution problem.

Corporate & Strategic Implications

19. The proposals support the aims and objectives of the City of London Air Quality Strategy 2015–2020, in addition to many other corporate policies and strategies. It also goes towards addressing air quality, which has been identified as a corporate risk.
20. It supports two key Corporate Plan outcomes:
 - a. 'People enjoy good health and wellbeing'
 - b. 'We have clean air, land and water.....'

Conclusion

21. Given the lack of regulatory powers currently available to control emissions from certain combustion plant across London, and the contribution of that combustion plant to local levels of air pollution, the City Corporation intends to work with London Councils to develop the proposals outlined in Appendix A.
22. More formal consultation will take place with the Department for the Environment Food and Rural Affairs, the Greater London Authority, London Boroughs and other interested parties.

Appendices

Appendix 1: Emission Reduction Proposals

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APPENDIX 1: PROPOSED CONTENTS OF AN EMISSION REDUCTION BILL

Air Quality Improvement Area

The trigger for a range of air quality measure would be the designation of an area as an 'Air Quality Improvement Area', where the levels of air pollution in an area exceed World Health Organisation Air Quality Guidelines. Within such an area the following provisions will apply.

Gas Boilers

The installation of boilers with a rated heat output of under 1 megawatt would be prohibited unless they comply with an emissions limit to be set by the Secretary of State. The provision would close the regulatory gap by including boilers which are not currently captured by the Medium Combustion Plant Directive. Installing or permitting the installation of a boiler in contravention of this provision would be an offence.

Non-Road Mobile Machinery

This would include mobile generators and construction equipment such as excavators. Unless the amount of NO_x and PM emitted by such machinery was below a limit set by the Secretary of State or the type of machinery had been exempted, their operation within an air quality improvement area would be an offence.

Stationary Generators

The proposals would prohibit the installation of stationary generators with a rated thermal input of less than 1 megawatt unless the amount of NO_x and PM emitted was below a limit to be set by the Secretary of State. The installation of a stationary generator in contravention of this provision would be an offence.

Additionally, it is intended that, in the case of existing generators, their operation during specified periods would be prohibited, except in an emergency.

Solid Fuel Boilers

It is proposed that it would be an offence to install or permit the installation of a solid fuel boiler unless the amount of NO_x and PM emitted by the boiler were less than an amount to be set by the Secretary of State.

Combined Cooling, Heat and Power Plants

The installation of combined cooling, heat and power plants would be prohibited unless the amount of NO_x and PM emitted were less than an amount specified to be set by the Secretary of State. Installing or permitted the installation of such a plant would be an offence.

Penalties and Defences

Offences would be punishable on summary conviction by a fine not exceeding level 5 on the standard scale.

It would be a defence to show that, where a limit is exceeded, the plant was designed, or the person reasonably believed it to have been designed, to comply with the NO_x or PM limit, it had not been modified other than in accordance with the manufacturers' instructions and it had been properly maintained.

Stationary Idling

It is proposed to increase the penalty for stationary idling of a vehicle from £20 to £100.

JAYSEN SHARPE

OFFICE OF THE CITY REMEMBRANCER

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of the Local Government Act 1972.

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