

Committee	Dated:
Public Relations and Economic Development Sub Committee	2 July 2019
Port Health and Environmental Services	23 July 2019
Planning and Transportation	9 July 2019
Subject: Emissions Reduction Bill Update	Public
Report of: Director of Markets and Consumer Protection City Remembrancer	For Information
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Summary

The City of London Corporation, acting 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 activity 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 substantially exceed that of traffic in the Square Mile by 2020.

The Clean Air Act 1993 has historically been used by local authorities to deal with sources of air pollution other than road traffic. It is, however, outdated and not fit for today's fuels and technologies.

In November 2018, approval was given by the Port Health and Environmental Services and Policy and Resources Committees for proposals to develop a Private Members Bill to deal with emissions from combustion plant and for consultation with relevant parties, in particular London Councils. The proposals include adoptive powers for London local authorities to specify emission limits for combustion plant in areas that suffer from poor air quality.

This report provides an update on action taken since the approval was granted. This includes obtaining the support of London Councils to progress the Bill. Further refinements to the draft Bill will continue to be made as necessary and it is currently intended to introduce the Bill in the House of Lords as soon as possible in the next parliamentary session.

Recommendation

Members are asked to:

- Note this report.

Main Report

Background

1. The City Corporation, acting 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. A revised Air Quality Strategy 2019 – 2024 will be presented to PHES for approval in July.
3. Local authorities have a statutory duty to improve air quality but they have very few regulatory controls to do so. 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 plant can lead to elevated levels of air pollution locally and collectively. Combustion plant also makes a significant contribution 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 major problem despite years of action.
6. The City Corporation has written to the Government on several occasions to request 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 considerable discussion under way 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. 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. These are both high level Bills, which are unlikely to gain Royal Assent and do not provide any new powers for local authority powers of the nature of those drafted in the City Corporation's proposals.
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

10. The City Corporation's 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 the World Health Organisation Air Quality Guidelines. Any such area could 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. An increase in the fine from £40 to £150 for unnecessary vehicle engine idling is also included to provide a more effective deterrent.

Action taken since November 2018

16. Following the approval of the draft proposals by the Policy and Resources Committee, the Chair of Policy met with Shirley Rodrigues (Deputy Mayor of London for Environment) in January to discuss the proposals.
17. Officers also met with counterparts at the Greater London Authority and London Councils as part of a consultation exercise. The Greater London Authority raised specific questions about the proposals which were considered by the Office of the City Remembrancer.
18. London Councils facilitated a meeting with London borough council air quality officers who expressed strong support for the City Corporation's proposals.
19. A presentation on the proposals was given to London Councils Transport and Environment Executive Committee on 7th February 2019. The Committee expressed great interest and support for the proposals.
20. An initial draft of the Emission Reduction (Local Authorities in London) Bill was presented to the main Transport and Environment Committee on 21st March, where it was endorsed and approved by the Committee. Members of the Committee raised a small number of technical questions about the inclusion of further provisions which are being considered by the Remembrancer.
21. The Department of Environment Food and Rural Affairs (Defra) is expected to publish the forthcoming Environment Bill in the Autumn. This could pave the way for secondary legislation for increased powers for local authorities to deal with emissions of air pollution from combustion plant. Officers have met with Defra officials to discuss the City Corporation's draft Bill.
22. Officers have also spoken to UK100, a network of local government leaders who have pledged to move to '100% clean energy by 2050'. UK100 has hosted two Clean Air Summits with the Mayor of London. The first was held at Mansion House and attended by the Chairman of Policy; the second was held at the Tate Modern and attended by the Chairman of PHES. UK100 has expressed support for the City Corporation's Bill.

Corporate & Strategic Implications

23. 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. Two key Corporate Plan outcomes are that: ‘People enjoy good health and wellbeing’ and ‘We have clean air, land and water...’. Air quality has also been identified as a corporate risk.

Conclusion

24. Given the lack of regulatory powers currently available to control emissions from combustion plant across London and the contribution of that combustion plant to local levels of air pollution, the City Corporation has developed proposals for a Private Members’ Bill.
25. The Bill has the support of London Councils and consultation has taken place with a range of stakeholders to refine the contents of the Bill.
26. The Bill has been planned for introduction in the next Parliamentary session which, in ordinary circumstances, would have commenced before now. The current plan is to have the Bill introduced as soon as possible in that session.

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