

# Fighting for our right to breathe clean air



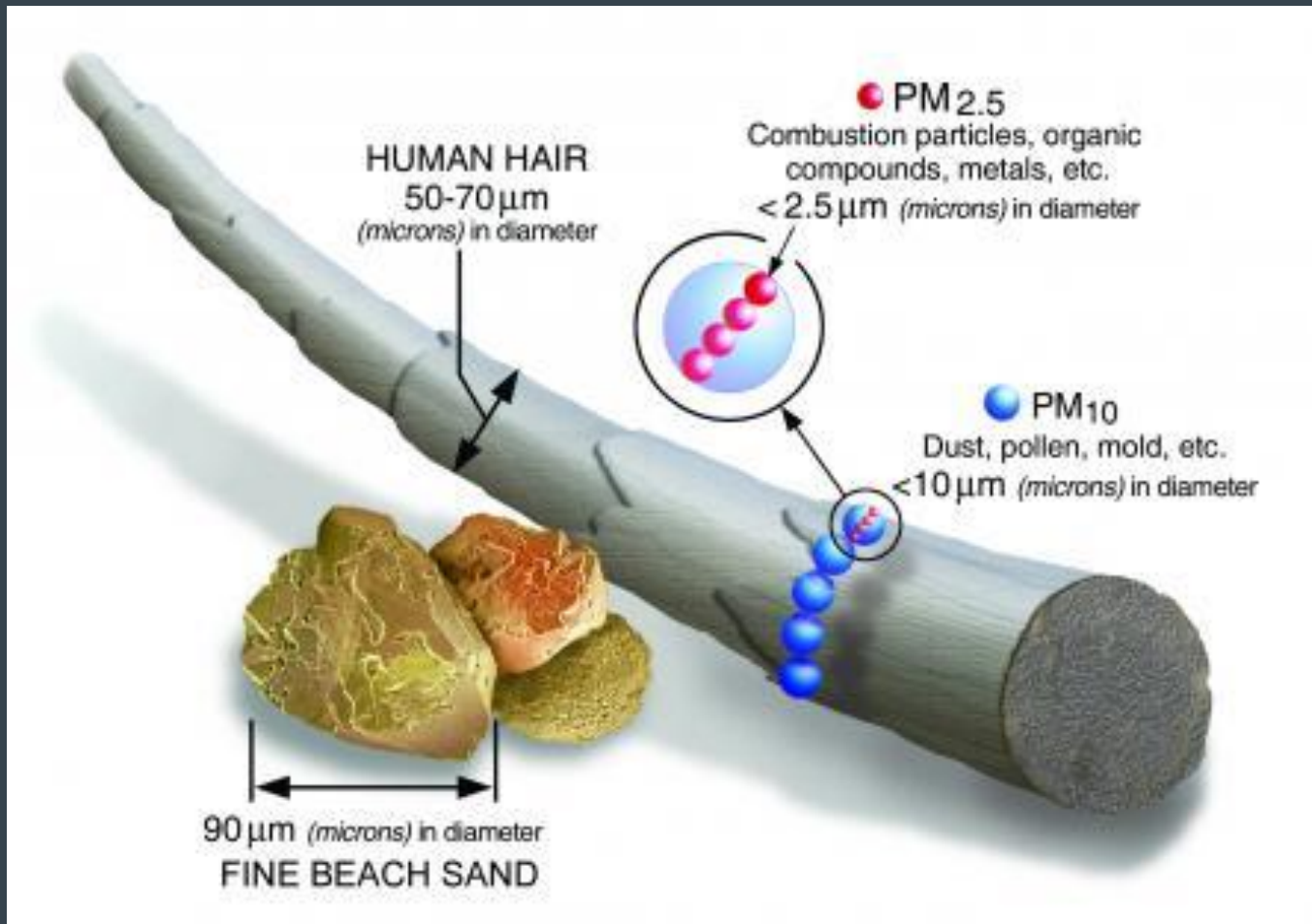
Andrea Lee,  
Healthy Air campaigner



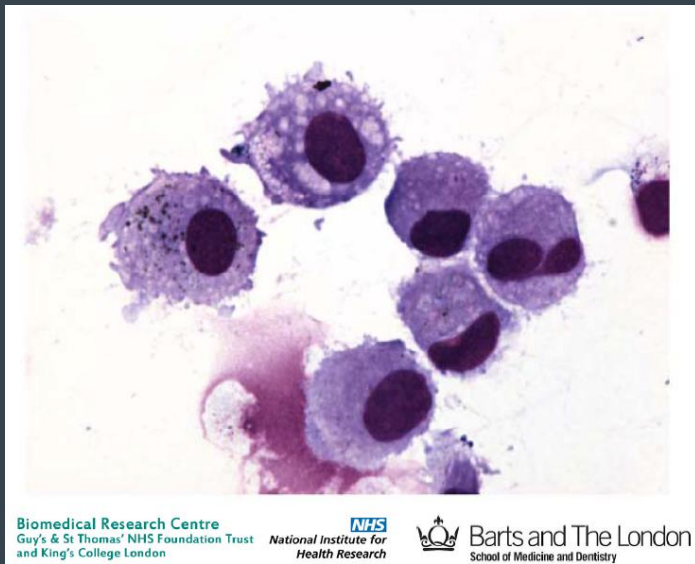
# What is the problem?



# Why are we concerned?

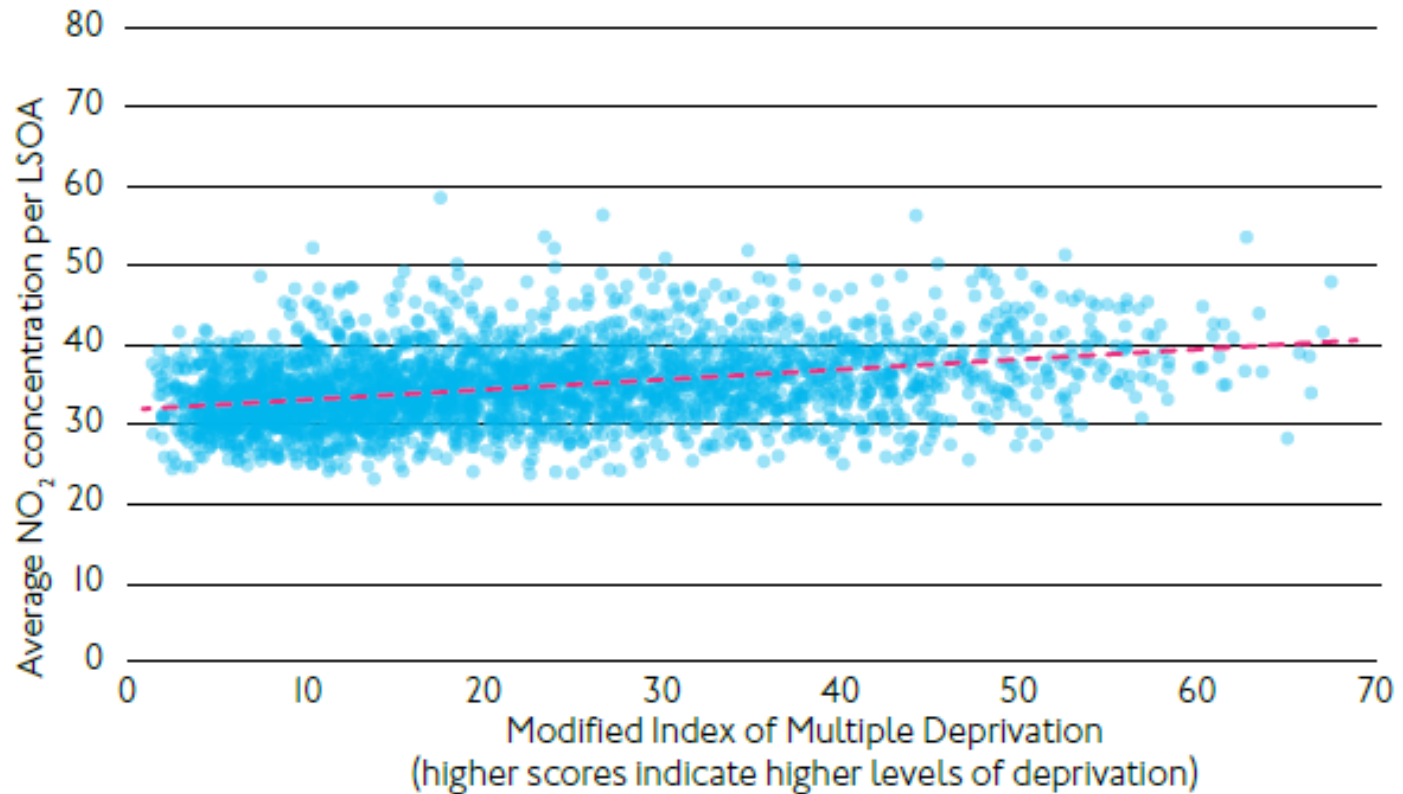


# The health impacts



# Inequality

Figure 3.7: Outer London NO<sub>2</sub> Concentrations by Deprivation Score



# The Legal Framework

## EU

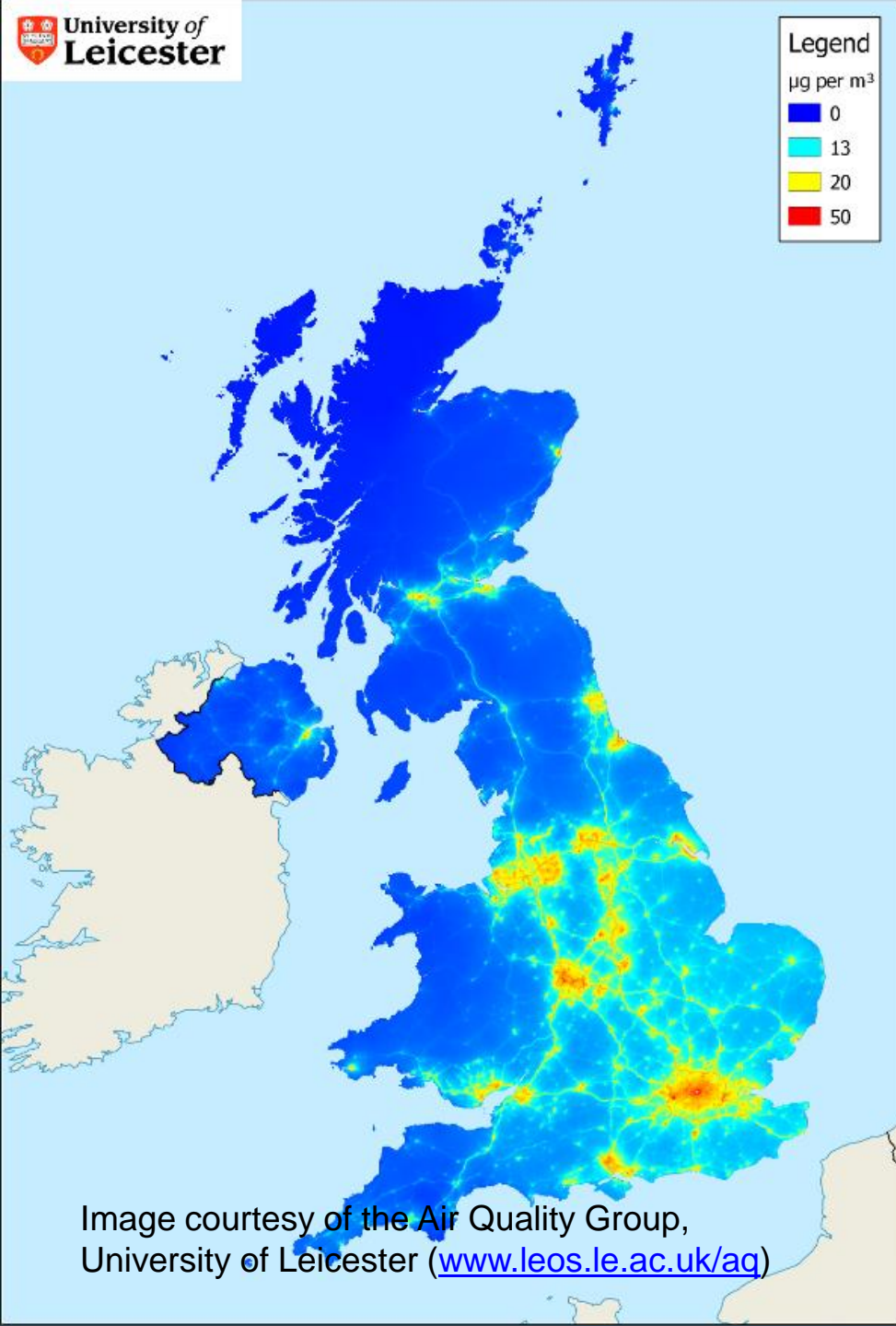
- Directive 2008/50/EC – the Ambient Air Quality Directive
- Directive 2001/81/EC – the National Emissions Ceilings Directive
- Source legislation e.g. IED, MCPD, type approval regulations

## Domestic

- Air Quality Standards Regulations 2010
- Environment Act 1995 (Part IV)
- Air Quality (England) Regulations 2000
- Clean Air Act 1993

# Directive 2008/50/EC – the Ambient Air Quality Directive

- Transposed into english law
- Sets air quality objectives: limit values, target values, exposure reduction targets
- Time extensions
- Air quality plans (art. 23): “appropriate measures so as to keep the exceedence period as short as possible”



## Breaches of NO<sub>2</sub> limits

2010 compliance date  
- possible time extensions to keep exceedance as short as possible up to 1st January 2015

### 2010

-40 out of 43 zones did not comply

### 2015

- 37 out of 43 zones still don't comply

Image courtesy of the Air Quality Group,  
University of Leicester ([www.leos.le.ac.uk/aq](http://www.leos.le.ac.uk/aq))



# ClientEarth vs SSEFRA



# Supreme Court 2015

*"The new Government [...] should be left in no doubt as to the need for immediate action to address this issue."*



Lord Justice Carnwath

# Falling short: Defra's new air quality plans

1. Gives 2020 (and 2025 for London) as an arbitrary compliance date
2. Overoptimistic modelling assumptions
3. Only one new national measure, but Clean Air Zones:
  - won't address passenger cars, or
  - diesel real world driving emissions
4. Reliance on Local Authorities
5. Insufficient detail of measures or timetable for implementation (Annex XV)

# ClientEarth vs SSEFRA Round 2



# High Court 2016

- The Government had “erred in law”
- Must aim to achieve compliance in the “soonest time possible”
- Must choose a route which reduces exposure as quickly as possible
- Must improve their plans
  - Draft plans by 24 April 2017 with technical report
  - Final plans by 31<sup>st</sup> July 2017
- Liberty to apply



Mr Justice Garnham



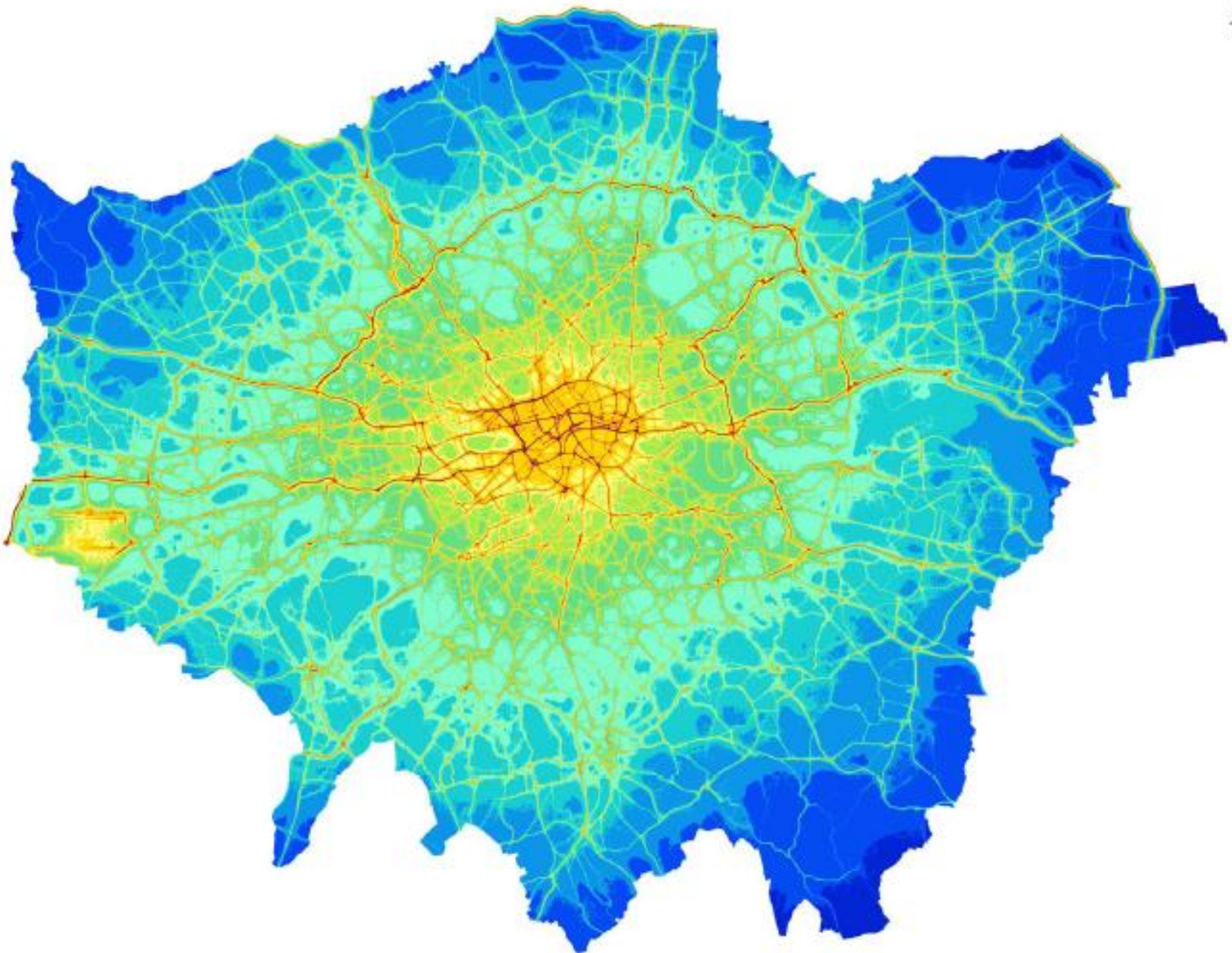
*“We have taken action, but there is more to do and we will do it.”*

*Theresa May, 2<sup>nd</sup> November 2011*



# The challenge





Legend  
NO<sub>2</sub> (µg/m<sup>3</sup>)

< 16
16 - 19
19 - 22
22 - 25
25 - 28
28 - 31
31 - 34
34 - 37
37 - 40
40 - 43
43 - 55
55 - 58
58 - 73
73 - 76
76 - 97
> 97

← Limit

MAYOR OF LONDON  
GREATER LONDON AUTHORITY



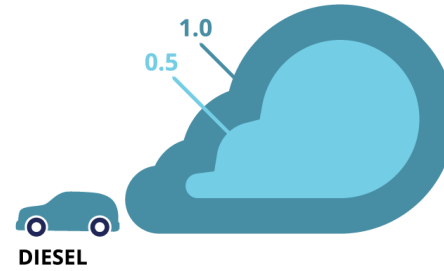
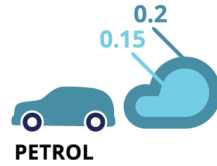


# The challenge

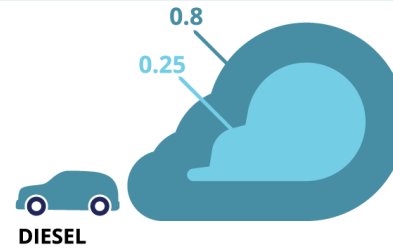
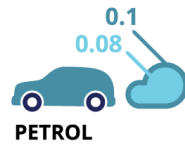


## Comparison of NO<sub>x</sub> emission standards for different Euro classes

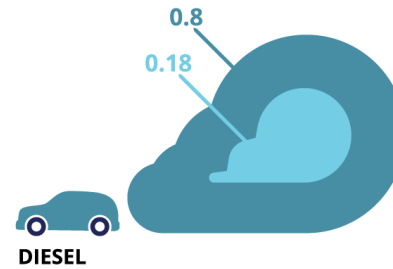
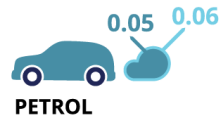
**EURO 3**  
2000



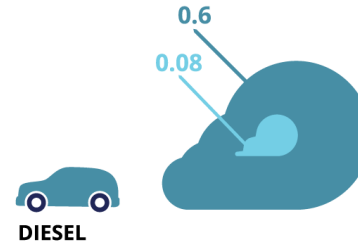
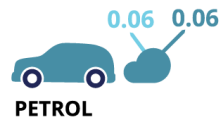
**EURO 4**  
2005



**EURO 5**  
2009



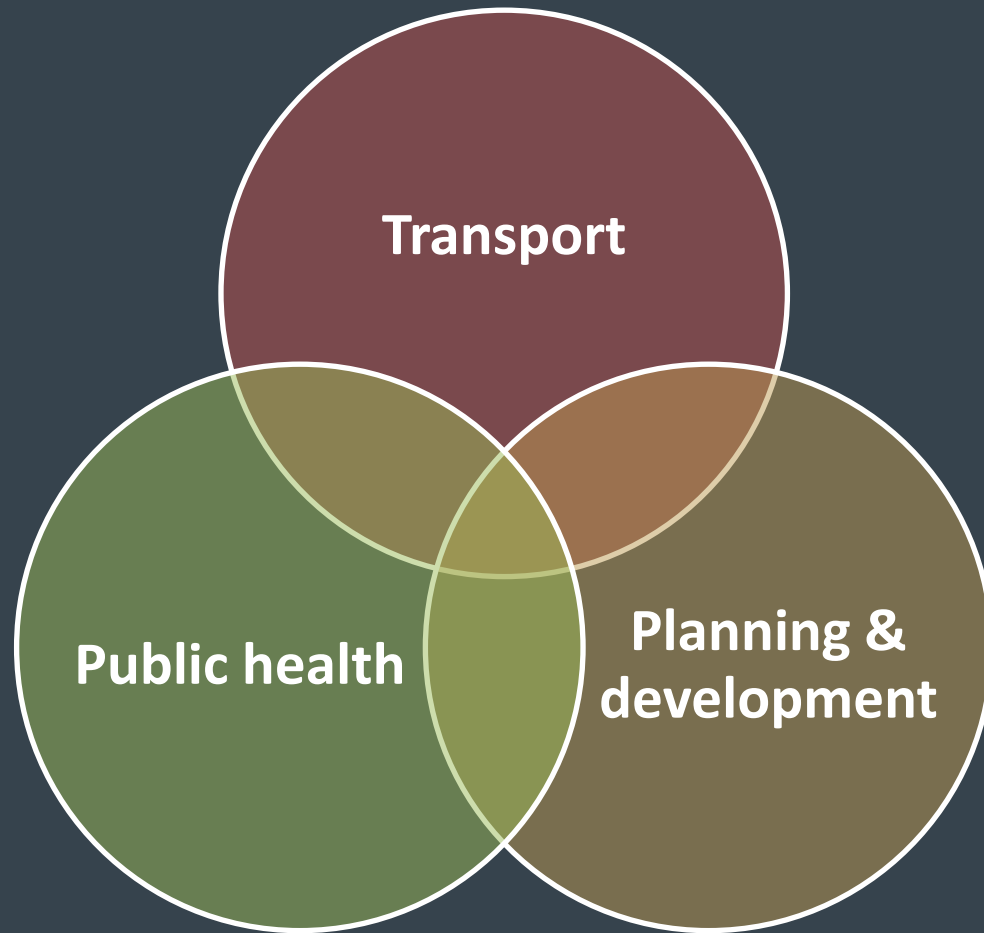
**EURO 6**  
2014



 EURO EMISSION LIMIT

 REAL-WORLD MEASUREMENT VALUES

# No silver bullet

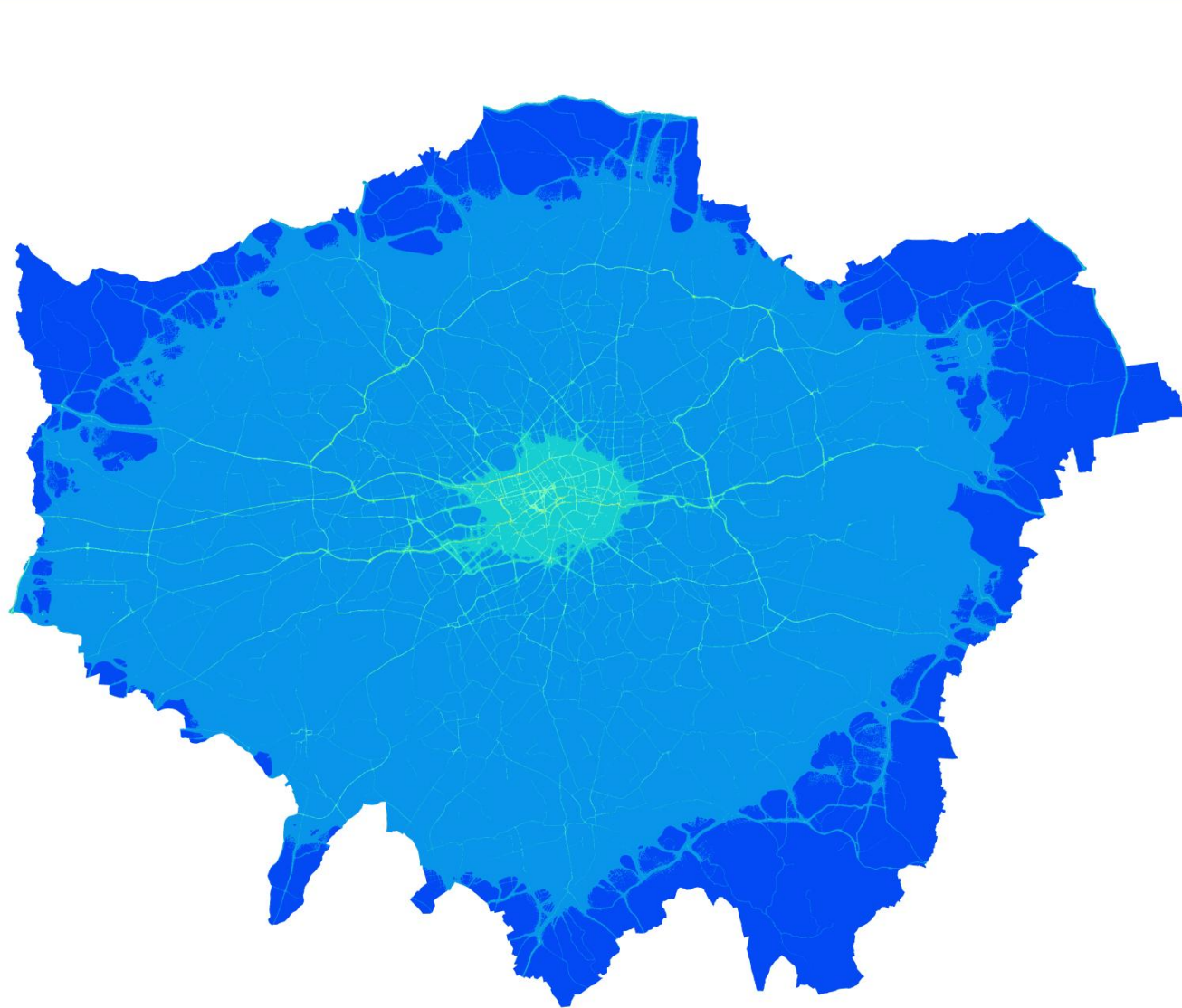


# The test

- Will it meet compliance in the shortest time as possible?
- Will it minimise the health risk to people?
- Will it lead to the decarbonisation of transport infrastructure?

# A national network of Clean Air Zones

1. Mandatory for most zones currently in breach
2. Include all major emission sources e.g. cars
3. Implemented as soon as possible e.g. 2018
4. Euro 6 + Real Driving Emissions
5. Focal point for complementary measures e.g. retrofit, scrappage, “clean car” label, public transport, walking and cycling infrastructure



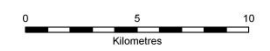
Legend

PM<sub>2.5</sub> (µg/m<sup>3</sup>)

- < 12
- 12 - 13
- 13 - 15
- 15 - 17
- 17 - 19
- 19 - 21
- 21 - 23
- 23 - 25
- 25 - 27
- 27 - 33
- > 33

← WHO

← Limit

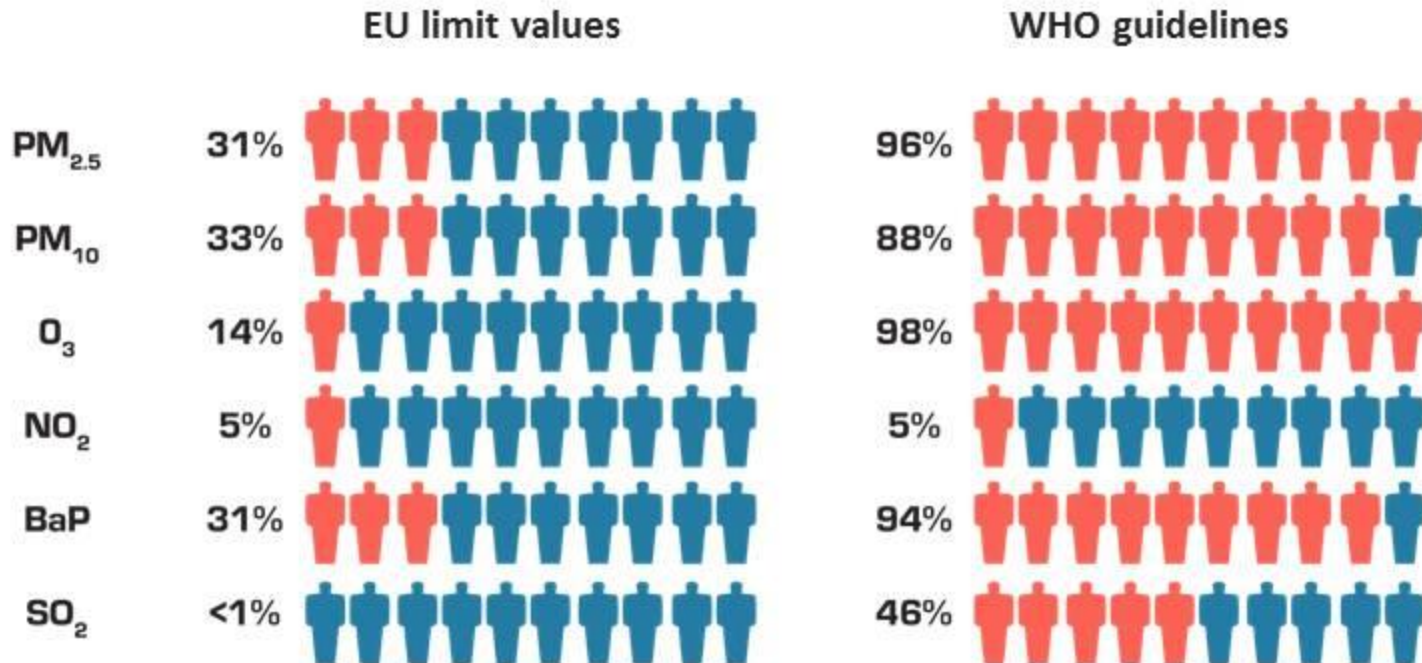


MAYOR OF LONDON  
GREATERLONDONAUTHORITY



# Europeans' exposure to harmful levels of air pollution

EU urban population exposed to harmful levels of air pollution in 2011, according to:



Up to a third of Europeans living in cities are exposed to air pollutant levels exceeding EU air quality standards. And around 90 % of Europeans living in cities are exposed to levels of air pollutants deemed damaging to health by the World Health Organization's more stringent guidelines.

The logo for the Red Tape Challenge features a green shield-like shape with a 3D effect, containing the text "RED TAPE CHALLENGE" in white, bold, uppercase letters. The shield is set against a background of a red ribbon that flows from the left side of the frame towards the right, tapering off.

# RED TAPE CHALLENGE

*“...seek amendments to the Air Quality Directive which reduce the infraction risk faced by most Member States, especially in relation to nitrogen dioxide provisions.”*



# A new Clean Air Act

1. Protects our right to clean air
2. Consolidate existing patchwork of legislation
3. Clarify roles and responsibilities
4. Make the UK a world leader:
  - WHO guideline levels
  - Clean technologies and solutions

# Is this still the future?



# Thank you



[www.clientearth.org](http://www.clientearth.org)  
[www.healthyair.org.uk](http://www.healthyair.org.uk)  
@HealthyAirUK

