City of Westminster

Cabinet Report

Decision Maker:	Cabinet
Date:	11 May 2020
Classification:	Open
Title:	Air Quality Action Plan 2019-2024: public consultation and Plan amendments in light of COVID-19
Lead Member	Cabinet Member for Public Protection and Licensing
Wards Affected:	All
City for All:	Cleaner and Greener
Key Decision:	Yes
Financial Summary:	No major implications
Report of:	Ezra Wallace, Director Policy & Projects, Policy Performance and Communications

1. Executive Summary

1.1 This report provides an overview of the responses to the public consultation on Westminster's draft Air Quality Action Plan 2019-24.

1.2 Since the closure of the public consultation on 3rd March 2020, the COVID-19 pandemic and associated lockdown has clearly changed the circumstances under which Westminster's new Air Quality Action Plan will operate. As a result, this paper sets out proposals for acknowledging the responses the Council received to the public consultation, and outlines that the Council will be taking some time to reconsider our wider approach to air quality and other environmental issues in light of the changing reality of how Westminster and London will operate in the short- and long-term following the COVID-19 pandemic.

2. Recommendations

That Cabinet resolves to:

2.1 Publicly acknowledge the consultation responses received and to inform stakeholders across the city that the Council will be further investigating options for our Air Quality Action Plan in light of both the feedback the Council received from the public consultation, and the changed circumstances under which the new Air Quality Action Plan will operate. It is proposed that this information be publicised through a press release including details of the drop in Westminster's pollution levels since the start of

the COVID-19 lockdown, and through direct emails to those who took part in the consultation.

3. Reasons for Decision

3.1 The COVID-19 pandemic and the expectations for how the city will operate following the lifting of the current lockdown means that the council's Air Quality Action Plan will operate in largely changed circumstances to those envisaged by the draft version of the Action Plan that went to public consultation.

3.2 As a result, it is recommended that the Council take some time to consider how the draft Air Quality Action Plan could be amended to reflect the new reality arising from the COVID-19 pandemic. The measured reductions in traffic and pollution levels across the city as a result of the COVID-19 lockdown are one indication of the changed circumstances under which an adopted Air Quality Action Plan will operate. The policy implications of how the city will operate post lockdown are being reviewed across all directorates of the Council.

3.3 In the meantime, the Council wishes to acknowledge the many helpful and informed responses made by residents, businesses and other stakeholders to the public consultation. These responses will help inform the reworked Air Quality Action Plan.

4. Context and summary of responses to the public consultation

4.1 Pursuant to Part IV of the Environment Act (1995), and as part of Westminster's status as an Air Quality Management Area (AQMA), the council is required to have an Air Quality Action Plan (AQAP). This document is a means to address the areas of poor air quality that have been identified within the AQMA. Public consultation on draft AQAPs are a statutory requirement, and final approval of Action Plans made by the GLA ahead of adoption by the local authority. The London Local Air Quality Management (LLAQM) Policy Guidance 2019 is included as a background paper to this report.

4.2 The Action Plan sits within the council's wider Greener City Action Plan 2015-25, and work in this area supports the Cleaner and Greener theme of City for All.

4.3 A public consultation on the Council's draft Air Quality Action Plan 2019-24 ran from 30th December 2019 to 3rd March 2020. Statutory consultees for the consultation were TfL, the GLA, Defra, the Environment Agency, and neighbouring boroughs. Other key stakeholders groups identified included residents, resident groups, those non-residents who regularly visit or work in the city, businesses, business groups, schools, and healthcare providers.

4.4 The high level results of the consultation are set out below. More detail can be found in the slide pack included in the background papers to this report.

4.5 In total 629 responses were received (not including statutory consultees). 91% of respondents were individuals, with businesses and resident groups such as Neighbourhood Forums the next largest groups. 77% of respondents were Westminster residents, of which 62% own resident parking permits.

4.7 The draft Action Plan had 88 actions spread across five themes. Respondents were asked to give feedback how important they perceived a number of actions. The most popular priority actions were related to the council's partnership working with businesses, lobbying the Mayor of London for greater action on reducing emissions

from black cab taxis, and the council leading by example through its own fleet and procurement. The least popular priority actions were investigating changes to the use of parking bays, investigating changes to parking permit structures, and action on non-road sources of transport emissions.

4.8 In addition, a number of questions were posed to respondents related to their general perceptions of air quality. Respondents perceived air quality to be getting worse in Westminster and in London, when in fact it is (albeit very slowly) improving. It was also notable that while respondents understood what the main causes of pollution were and how it affects them, they were less clear on what actions they can take to reduce their exposure to poor air pollution.

4.9 Positive feedback was received from statutory consultees. The GLA noted that the draft Action Plan was 'particularly strong' around monitoring pollution and reducing emissions from buildings and new developments, and specifically praised initiatives such as the council's £1m Schools' Clean Air Fund and proposals around parking.

5. Potential changes to the Air Quality Action Plan in light of COVID-19

5.1 The ongoing COVID-19 pandemic has clearly changed the circumstances under which the council's new Air Quality Action Plan 2019-24 will operate.

5.2 During the lockdown period, pollution levels across the city have dropped dramatically. Compared to similar time periods in 2019, Nitrogen Dioxide (NO_2) emissions have reduced by more than 50% at the council's monitoring sites on Oxford Street and Buckingham Palace Road, which reductions of between 40 and 50% at all other sites in the city. This is due to the high reduction in road transport in central London, as well as reduced emissions from commercial buildings, and potential impact of reduced aviation traffic. A cabinet member briefing paper setting out more detail on pollution levels across Westminster during the COVID-19 lockdown is included in the background papers to this report.

5.3 As a result, it is now considered that adopting the post-consultation Air Quality Action Plan would not reflect the reality of a post-lockdown Westminster in the short or longer term. The Council resolves to examine the potential opportunities with regards to further reducing harmful air pollution.

5.4 By considering what new opportunities there may be for innovative policies and projects across the city, it is envisaged that a refreshed Action Plan will be more ambitious in its commitments to reduce air pollution in Westminster.

5.5 Following the redraft, the Council will review whether a new consultation will be required for the Action Plan. However, if the aims and objectives remain as previously stated, which is considered likely, then a fresh consultation is unlikely to be needed.

6. Financial Implications

6.1 There are no major financial implications arising from this report.

7. Legal Implications

7.1 The relevant statutory framework applicable to the Council for local air quality management is governed by Part IV of the Environment Act 1995 and national air quality regulations. It was agreed with the Department for the Environment Food and Rural Affairs ("Defra") in 2016 that the relevant local air quality management policy

and technical guidance for London should be different from that in the rest of the country in recognition of the particular challenges London faces and Defra agreed that policy and technical guidance for London should be issued by the Mayor, in recognition of his London-wide supervisory role.

7.2 London boroughs need only refer to the London Local Air Quality Management: Policy Guidance 2019 and the accompanying LLAQM Technical Guidance 2019 and any guidance as issued by the Mayor from time to time. These documents primarily set out the London authorities' local air quality management functions. The purpose of the LLAQM system is to put in place a framework that gives confidence to boroughs, the Mayor, and the Secretary of State that they are properly fulfilling their statutory requirements.

7.3 London boroughs with Air Quality Management Areas are required to have an Air Quality Plan in place. The Action Plan should be reviewed every five years, minimum. The last Council Action Plan was for the period 2013-2018 and was due for review in January 2019. It is noted that part of the delay to consulting on Westminster's Plan was due to the GLA suggesting boroughs pause activities related to new Action Plans while LLAQM Policy and Technical Guidance was updated during 2019.

7.4 The Mayor of London has broad powers of intervention under section 85 of the 1995 Act. Under section 85(5A), the Mayor may give directions to boroughs requiring them to take such steps as he considers appropriate. The Mayor's powers of direction under section 85 are "reserve powers" to be used where the Mayor considers it appropriate to do so, as set out above, and only after consultation with the Council.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

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Appendix A: Air Quality Action Plan 2019-2024 Public Consultation

Appendix B: Summary of the Impact to date of Covid-19 Lockdown on Westminster Pollution Levels

Appendix C: London Local Air Quality Management Plan (LLAQM) Policy Guidance 2019