



Environmental Audit Committee

Oral evidence: [Action on air quality](#), HC 212

Wednesday 22 October 2014

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Written evidence from witnesses:

- [The Government](#)

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Members present: Joan Walley (Chair), Peter Aldous, Neil Carmichael, Martin Caton, Zac Goldsmith, Mike Kane, Mark Lazarowicz, Caroline Lucas, Dr Matthew Offord and Mrs Caroline Spelman.

Questions 181-275

Witness[es]: **Rt Hon John Hayes MP**, Minister of State, Department for Transport, **Rosaline Wall**, Head of Environmental Strategy, Department for Transport, **Dan Rogerson MP**, Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs, **Dr Cheryl Case**, Head of Atmosphere and Noise, Department for Environment, Food and Rural Affairs, and **Louise Barr**, Planning Directorate, Department for Communities and Local Government, gave evidence.

Q181 Chair: I would like to welcome our two Ministers to the session this afternoon and also officials from other departments, particularly DCLG. The Committee has taken a great deal of evidence so far and we are very committed to this not just being a London-based inquiry but to look at the issues UK-wide in terms of air pollution. We realise that we have quite a long session ahead of us, with a large panel, and we will do our best to get through it.

We wanted to start off by looking at the relationship between the UK and the European Court of Justice and the standards that are set by the European Commission. We have lots of different pieces of evidence and there is a sense that the UK Government is being complacent in how it is dealing with air quality. I wanted to have your perspective on that, perhaps with the Minister from DEFRA starting off, because you are in the driving seat on this. How would you respond to those feelings or those accusations of complacency?

Dan Rogerson: I would refute that. We are certainly not complacent about it. From DEFRA's perspective in terms of working across Government, dealing with colleagues at the Departments for Transport, for Communities and Local Government and other

departments, we want to make sure we are communicating the messages to the public on how they can be aware of what the situation is in their area but also on how they can contribute to making things better. In terms of the investment that has been made across Government, Mr Hayes might want to talk a little about some of the investment in transport issues in particular. But we are certainly not complacent about it. There are some key things that we do need to address, as you rightly point out, at the European level to do with vehicle emission standards and so on, but I would not recognise that criticism as being complacent.

Q182 Chair: None the less, you have been accused of being complacent, so I think that that accusation does stand. For you to tell us that there is Government investment is not quite the same thing as that investment resulting in the UK meeting the required standards. The question has to come back to you: in the face of the standards not actually being met and the concerns that not only are they not being met now but it is going to be not just 2015—we are talking about 2025 and in some cases we are talking about 2030 before parts of the country are going to be meeting the standards—surely not having a plan that is going to get this air quality concern dealt with earlier has to be of concern, not least from the public health point of view.

Dan Rogerson: The public health point of view is crucial, you are right to raise that. The picture you are painting is that things are getting worse. If you look at most of the indicators, they have improved dramatically. In fact, across all indicators they have improved.

Q183 Chair: They don't really, because if you look at the figures of improvement and you look back to 2010, 2011, 2012, they might have gone down one point in the last 12 months but compared to where we were back in 2010 they are not really improving on a steady—

Dan Rogerson: You can't make a statistically meaningful analysis over a couple of years. We are dealing with something that is such a long-term issue and you have to look at the trend. The indicators that we have on most pollutants are much better.

Q184 Chair: Sorry, could you say which ones you are referring to?

Dan Rogerson: If you look historically, we have improved on sulphur dioxide, lead, and all those other pollutants that we have dealt with. The key question that I think a lot of our discussion will be about today—and I don't know because I haven't seen the questions—will be on nitrogen dioxide.

Chair: The key issues for us are going to be PM and nitrogen dioxide, correct.

Dan Rogerson: In terms of PM, we are within the targets that we want to see, although of course that is one of the things we monitor very closely. The massive question for us is around nitrogen dioxide and that is where a lot of our efforts need to be focused and are being focused.

Q185 Chair: Just going back to my question, there are going to be parts of the country where we have no hope, given the DEFRA latest figures, of standards being met until 2030. That is 15 years of somebody's life exposed to dangerous toxic levels of pollution.

Dan Rogerson: As a major source of this is transport emissions, then the shift towards other means of propulsion and ULEVs and so on will be gathering pace—and as I said, Mr Hayes might want to talk about that investment—and is one issue. Other than that, it is also making sure that at the European level we get the tests right for the EU 6 standard to show that vehicle manufacturers are meeting what is required of them. Experience has shown that while the EU 6 standard or the previous EU standards have been designed to deliver, the tests have meant that the vehicles in their normal working conditions, especially in a city context, in an urban context where they are running for short distances and so on, have not actually delivered.

Q186 Chair: I think Caroline Spelman might be referring to that at a later stage, but just before we move on and I pass over to my colleagues, can I come back to a comment that you made at the very start when you talked about the importance of communication? If DEFRA was really intent on dealing with air pollution, surely it would have communicated this later understanding that there are going to be more areas not meeting targets until 2030 within the UK rather than waiting for that information to be given at the European Court of Justice. Where is the emphasis that the Department has in terms of communication, particularly when our last report on air quality by this Committee said in one of its conclusions that a public awareness campaign is so important?

Dan Rogerson: We are working on a number of things to do with public awareness with, for example, charities that represent particularly vulnerable groups to talk to them about how we communicate messages for what they might experience during episodes of peak pollution.

Q187 Chair: If you are having a campaign of that kind, why didn't you share that information with the people concerned rather than waiting for it to be disclosed at the first instance in the Court of Justice proceedings?

Dan Rogerson: On the technicalities of how you discuss things and how you disclose evidence in a court case, I am happy to pass over to Dr Case on this.

Dr Case: The evidence was not just published at the European Court of Justice. It was used at that point but it was published in advance of that. It is just that because of the publicity around the court case it was exposed more broadly across the newspapers and so on, but we had actually released that information in advance.

Q188 Chair: When you say you had released it, what was the format for releasing it?

Dr Case: It was in a paper that is published and released on DEFRA's website. All of our analysis and data, and in fact our monitoring data, are released on the DEFRA website and on UKAir, which is where all of our monitoring data are put online pretty much in real time.

Q189 Chair: Was it published in such a way that it was hidden in all this technical information or would a member of the public who was concerned about air quality have instantly understood that there was a real danger of quality standards not being met until 2030 instead of 2015?

Dr Case: The data were published in terms of an explanation about how the modelling works in simple terms so that a member of the general public could understand it. That

information was also broken down into tables that did not just go into the fact that the model showed that there were different areas that would meet it at different times but had a table that broke it down into local authorities so you could see which zones would and would not meet it at different times. It was there very clearly for everyone to understand. I would also mention in terms of modelling forecasting saying that we are not going to meet it until 2025 and 2030, that does not include some of the more recent announcements we have had from the Department for Transport about some of their investment and other measures that we are looking at at the moment. That is the current forecast. However, the action that will be being taken will improve it and should shorten that time scale.

Q190 Dr Offord: I hope the witnesses appreciate I have another Committee I have to attend so I will leave after this. In his evidence before this Committee, the Mayor of London said that his planned policies could, with the support of the central Government, bring down the emissions of nitrogen dioxide by 2020 instead of 2030 that DEFRA estimates. Is he correct?

Dan Rogerson: We are very keen to see the Mayor taking action and developing policies that will deliver for the area for which he is responsible. We need to see some more detail from him about the particular policies, how he will take that forward and what the evidence base is for that, but of course we are very keen to work with him and to work with jurisdictions elsewhere across England to meet the targets that we want to meet. We need to see the final analysis of what he is proposing before we can say whether it will deliver as he says.

Q191 Dr Offord: My interpretation of that is that we don't know because we have not had that conversation. Have you had any conversations between your Department and his office?

Dan Rogerson: There are regular discussions between the Mayor's team and the Department. I have chaired a few meetings, one not that long after I took over as a Minister where I wanted to get to meet the people who are active NGOs and organisations and scientists and so on who are active in this area, and his team had input into that discussion as well. We have regular communications with them.

Q192 Dr Offord: What assistance do you believe he could use from you to achieve his target of 2020?

Dan Rogerson: As I say, I think we need to see exactly what his proposals are and then if there are things that we can do—

Chair: Do you not have the details?

Dan Rogerson: Not the details of those.

Dr Case: One example is the ultra low emission zone that he is putting in place and planning to do. We have had discussions with his officials and they have given us the ballpark areas of roughly what they are looking at but not the details of exactly which vehicles. A lot of it depends on what you are going to target, what you are going to focus on. My understanding is that they are preparing that information at the moment and are planning to have that finalised by early next year. When we see that, that is the kind of information we will put into our model and then, as I was saying, that will change the forecast and hopefully bring it forward. It would also show any gaps there may be and then we can look and see what measures might be needed to bring it even further forward.

Q193 Dr Offord: That is helpful in regards to London but, as we are aware, this is the United Kingdom and I understand that the EU have identified 16 other local authorities that have higher emission rates than would be wanted. What kind of support will you be giving to those local authorities?

Dan Rogerson: Over several years we have worked with local authorities to help them test and develop their proposals. We have the expertise and the modelling, as Dr Case was saying. If their proposals were that they would like to explore what a low emission zone might look like in their area and what sort of factors they would take into account, we have awarded money to them to help take those proposals forward. An example of that would be in Oxford where there is a low emission zone proposal looking at buses, which has been in operation for some months and that was taken forward on that basis. There are other schemes that are in earlier stages of development.

Q194 Dr Offord: You also know that the EU has the ability to fine the United Kingdom for its emission quality. Can you advise what discussions you have had with local authorities about the proportion of that fine and will it be passed on to them?

Dan Rogerson: While you are quite right to highlight the proceedings that are underway, our approach would be to avoid any fine coming to the United Kingdom by being able to demonstrate the action we are taking to remedy the situation and to work together. As you will be aware, the majority of states in the European Union face similar issues. It just so happens that there is a case that has turned the spotlight on us, which has led to these infraction proceedings. There are issues that will need to be addressed right the way across the European Union and so we want to work together with European Union on that and to bring forward these specific proposals that will help things here to avoid the imposition of a fine on the country.

Q195 Dr Offord: Can I take it at this stage you have not had discussions with the Local Government Association, for example, to discuss about the proportion of fines being paid for by local government?

Dan Rogerson: Our focus is on solving the problem, not on talking about where the fines are paid.

Q196 Dr Offord: Do you think it would be extending the concept of subsidiarity to the lowest level to pass those fines on to local authorities for something that is really the responsibility of central government?

Dan Rogerson: It could be an issue across Government, an approach that might be taken. My understanding is that the Government has published proposals or some guidelines on how that process could occur. Were there to be a very clear set of steps in place that were being taken as best practice elsewhere and one or two places were not doing it and therefore causing us to get into this situation, then I expect that is something we could support but we are not at that stage yet. What we are doing is focusing on how we move forward to tackle the core issue that we have set out starting for us today and therefore avoiding the necessity of a fine being imposed on the country.

Q197 Mrs Spelman: Could I follow up on that? 27 out of 28 member states are non-compliant with the air quality directive but only a handful are being fined, of which the UK is

one. Do you think we could have avoided being fined if we had low emission zones in places, including London and beyond, where we have air quality problems?

Dan Rogerson: I think it depends on whether the low emission zones are operating correctly in other places and actually delivering, and we would have to look at the evidence base across Europe where there are question marks over some that are designated as to whether they are actually delivering the benefits that we want to see. Coming back to those vehicle standards again, if you have a low emission zone that specifies vehicles that meet a certain standard, if that standard is not delivering for you, then you are not going to get the results that you want anyway.

Q198 Chair: Before we move on from this, could I ask Louise Barr from DCLG: if DEFRA's approach is that this whole issue of fines and who should pay the fines in the event of the UK not complying is not really an issue for discussion at this stage because it has not been proven, given the way in which the localism legislation has come in since, have there been and are there currently discussions inside DCLG as to where the responsibility for any subsequent fines should come? Many local authorities, perhaps all local authorities, would be in a very difficult situation if they were having to take on board the responsibility for paying such fines.

Louise Barr: My responsibility in DCLG is for planning infrastructure and environment, so this is not within my area of responsibility. I am not aware of any discussions but I can take this matter back to my Department and come back.

Q199 Chair: I would have thought that even within the DCLG there should not be silo thinking, never mind across DEFRA and the Department for Transport as well. Perhaps the Minister would like to answer that.

Dr Case: Can I add that I think that is slightly unfair because the Government put guidance out last year as to how passporting of fines would happen in local authorities. One of the things it covers is that if something is at national level and the issue is for central Government, that kind of fine would not be passported in the same way. As the Minister was saying, if there is something that is not being taken forward that is their responsibility—and I think we need to be clear here that local authorities have a duty on air quality—then that is something that might be more appropriate. We have spoken to local authorities through a letter informing them about the infraction process to also explain that there is still a requirement for them to continue doing the work they are doing to inform their plans. As part of the completeness of that, we have mentioned the fact that this is a tool that can be used in passporting fines but also made it absolutely clear that what we want to do is work with them to avoid the fines, working at a national, local and also European level to avoid that.

Q200 Chair: I understand it was a bit of a bombshell when there was a realisation that the fines, rather than being accepted by the Government, could be passed on to local authorities.

Dan Rogerson: I think we are getting very far down the line. If you had a situation where it was clear the proposals were making a difference and the majority of local authorities were saying, "We are taking action on those" and some, for whatever reason, were saying that it was not a priority for them and they were not going to do it, then at that point I think it is justifiable to have a conversation about those impacts if they are triggering a fine on

the whole of the country. But we are some way away from that and our focus has to be on improving the situation, putting measures in place to make progress so that we don't get a fine in the first place.

Q201 Chair: If I may press that a little bit more with the Department for Transport, with the Right Honourable John Hayes. Surely local authorities are restricted in what they can do on low emission zones and everything else in terms of having the funding. We will come on to the detail of the transport funding later but in terms of the whole strategic approach, they are very limited in what they can do, aren't they, given that the funding is not really there from the Government to do it?

Mr Hayes: Can I say to start with, Madam Chairman, how delighted I am to be giving evidence for the first time to this Committee. In doing so, I took a look at exactly the point you have just raised in your fifth report of the session 2009-10 where you say in recommendation 9, "Local authorities are key to improving air quality. The Government must raise the profile of air quality with all local authorities, encouraging the sharing of best practice to ensure that the issue is given sufficient attention across all areas of local government." This is, of course, my honourable friend's responsibility.

Chair: It is remiss of me not to have welcomed you before us for the first time. I do apologise.

Mr Hayes: But none the less, I take the point you make then and today and I think the Department for Transport has a responsibility, working very much with other partners in Government, to ensure that local authorities are engaged in this. For our part, in terms of national policy statements on major national infrastructure projects, we can do our bit and you will know that the Department for Transport policy on that has specifically said that issues of air quality should be taken into account, should be studied in some detail in respect of those major schemes. You are right to say that in the interests of consistency and coherence it is important that that kind of spirit imbues all that is done. In the conversations I have with local authorities, I will be more than keen to emphasise that. I am in a stakeholder meeting this week on a road scheme working with local authorities, because the Department for Transport does that as a matter of course. I will, of course, be emphasising that as a key criterion in what we consider and what they need to consider too.

Q202 Mark Lazarowicz: I have one query on this issue of fines before I move on to the main thrust of my questions. One of the locations where infraction proceedings could be based upon is Glasgow and responsibility for governmental action there would rest with the Scottish Government. If there was a fine, would that be something that we passed on to the Scottish Government or what would be the position, just as matter of interest, in that hypothetical situation?

Dan Rogerson: As Dr Case was saying and I said earlier on, the process is in place for passporting fines through and the Government has been clear about doing that. I think it is fair to say that if the responsibility lies at a certain level and the issue is not being dealt with then that is where some of that cost should sit. Mr Lazarowicz, you will be far more expert than I am on some of the discussions about the debate in Scotland and where things are going with some of these responsibilities. I suppose in that sense there may be other

questions around where we go with the devolution settlement in the future, but even as things stand at the moment then it is possible to passport that.

Q203 Mark Lazarowicz: The level of government that you felt was responsible would have to take the financial consequences, in broad terms?

Dan Rogerson: I think so. I suppose ultimately, depending on the relationship and the decisions that are taken in Scotland between them and local government in Glasgow, there may be a further degree of passing that on.

Q204 Mark Lazarowicz: My main question is on the issue of the current negotiations underway in the EU on new clean air legislation. What is the Government line, in broad terms, on the negotiations within the EU? Is the Government pressing for more robust legislation on air quality at the European level or do you think it should be weaker? What is your position? A number of proposals came out last year and I would be interested to know what your view is on those.

Dan Rogerson: The spirit in which we enter into these is to continue the trajectory of improving matters but to do it in a way that is deliverable, ambitious but deliverable, the fact that it is practical to actually take these steps. We have to make sure that we are balancing that with the other questions that all of us across Parliament and across the political spectrum would want to see in terms of growth and other issues, where we are moving. There are some synergies with carbon emissions and the emissions of some of these other pollutants that in some cases we will work on beside each other and sometimes they can offer slightly competing imperatives. Essentially we want to see ambition here and progress but it has to be deliverable.

Q205 Chair: “Want to see”; is that the same as having ambition?

Dan Rogerson: I was talking about the European level. That is the position that will emerge as a result of the negotiations. From our perspective, our focus is very much on meeting the commitments we have already and then move forward.

Q206 Mark Lazarowicz: I hear what you are saying but one of the concerns we have been told about by some of the NGOS and other groups is that some of the European targets are not ambitious. First of all, there is a concern that they are well short of WHO guidelines, as I am sure you will be aware. The period that the new air quality objectives would run up to would be 2030. I think there is a concern that this is too long a period and also it does not take into account the fact that the EU targets themselves are in some respects arguably quite weak. What do you say to that?

Dan Rogerson: I think it is the same thing. We think that they have to be realistic and proportionate. We could set targets and bring them forward but if they are not achievable for us or for other member states then they will ultimately lack meaning and will mean that we will not be able to take everybody across society with us to take the actions that we will need to do to meet them. So we think that they need to be proportionate and deliverable. As with any agreement at the European level, we have to do something that is deliverable.

Q207 Mark Lazarowicz: One of the concerns is that there are suggestions there will be a national emission ceilings directive that will guide national emission ceilings, obviously. One

of the suggestions made is that that would mean that the target in 2020 would be lower than the current EU base one for emissions from vehicles. Is that correct? If it is the case, why is that position one that you would adopt?

Dan Rogerson: Sorry, on which measure? Which one are you are talking about?

Mark Lazarowicz: The national emission ceilings for the six main pollutants and the suggestion is that these would be national emission ceilings, as I understand it. We are told by one of the organisations, Client Earth, that this suggests that it would be a lower target for 2020 than the current EU base one.

Dr Case: The 2020 target for the national emission ceilings proposal is about ratifying the Gothenburg protocol, which is an international agreement that has been signed up to. That is something that has been discussed and the intention from the Commission is that that would be the target because that is something that member states are working very hard towards, and it is not easy. It is challenging. That is the 2020. Then there is the 2030 target, which is a new target. It is much more stretching. We welcome it because it is a ceiling, which means that the member states are able to define the measures that are appropriate to the member states, which are very different for different areas.

The thing about the new ceilings proposal is it is actually quite complicated. The Commission—I don't know if it is the first time but the first time I have seen it, that is for certain—is looking at different proposals for the different member states to see what they need to do on different bases. We have received a lot of information and an impact assessment from the Commission. They are looking at their baselines because a lot of member states have provided more evidence on what their baseline is at the moment, and we are expecting more information from the Commission at the end of this month. In terms of whether that is stretching for us or not, we don't know exactly. So we don't have a line that says, "This is what we think the UK ceiling should be" and therefore can't say whether we think it is stretching or not yet because we are still waiting for further information from the Commission.

Q208 Mark Lazarowicz: That answers my point. The concern is that some of these ambitious targets are not very ambitious at all, but you are saying effectively at the moment you are still working through the consequences of the proposals.

Dr Case: Yes. From the information we are discovering at the moment, it looks like some of them are very ambitious but we have not finalised that yet so I could not say for sure exactly how ambitious or not. I am not surprised that Client Earth has said that it is not ambitious. Obviously they would like it to be as ambitious as possible. We do have the point that we have to make sure that it is achievable and ambitious.

Q209 Mark Lazarowicz: I can see that, but is it the case that whatever ambition is accepted, they will still in many respects be quite substantially less than WHO guidelines?

Dr Case: In terms of particulate matter that is probably the case because WHO have said that they find no level of particulate matter acceptable in terms of human health exposure. It is about a balance of getting there. To try to get rid of all particulate matter is an impossibility because of the way it is formed. For example, we have had natural PM fairly

recently from Saharan dust and salt and so on. So there is a real challenge and the lines that the WHO have said are going to be much tighter on things such as particulate matter.

Q210 Mark Lazarowicz: Related to all this, one of the proposals from the Commission is for a new directive to reduce pollution from medium-sized combustion installations. Is that something that the UK is supporting?

Dan Rogerson: Yes, we are supporting that.

Q211 Mark Lazarowicz: I hope this work is still going on in the Department. I am sure it would be quite useful to have an update when we know what the Government's attitude is.

Dan Rogerson: We have to be careful that what we are doing here is realistic. There are some locations where plant are operating that have particular circumstances around concerns but, yes, we are hoping to see progress on that issue. I am sure we can update you when we—

Q212 Mark Lazarowicz: Also I think it would be helpful to have the wider Government approach to the power directives and the clean air programme once it is clearer what you think the implications are,

Dan Rogerson: Yes, we will stay in touch with you on those.

Q213 Martin Caton: I have a planning question for you now, Ms Barr. It is two years since the national planning policy framework was introduced. How effective has it been in ensuring air quality issues have been taken into account during the planning processes?

Louise Barr: The national planning policy framework is very clear in putting a priority on air quality. One of the key objectives in the NPPF is to achieve sustainable development and that includes a priority given to pollution. There are various priorities and references to air quality in the NPPF to ensure that it is given due regard. You have a reference there to the importance of the planning system preventing development from contributing to or being put at unacceptable risk from, for being adversely affected by or securing unacceptable levels of air pollution. You have reference to the fact that planning policies and decisions need to ensure development is appropriate for its location. The effects, including cumulative, of pollution should be taken into account. You also have explicit reference to the need for policies to sustain compliance with and contribute to EU limit values or national objectives for pollutants.

All of that then is translated into the key actions that are at the heart of the planning system of ensuring that these are taken into account in local plans and that local plans need to be in accordance with the national planning policy framework so it is translated into local plans, that that is the right place for your development decisions. Those local plans need to be translated into what matters and to reflect what is relevant to the local areas. Those local plans, for example, need to ensure that they have regard to any air quality management areas and that decisions are consistent with any local air quality action plans. So it is very woven into the planning system.

Q214 Martin Caton: The policy clearly has these requirements, but have you made any assessment of whether it has changed things on the ground to improve?

Louise Barr: We don't monitor the NPPF in that way but, given the importance of local authorities driving delivery through their local plans, local authorities are required to monitor delivery of the priorities they have identified in local plans and therefore are held to account by their local communities and to make that transparent to their local communities.

Q215 Martin Caton: But they do not report to you?

Louise Barr: They are not required to report to us.

Q216 Martin Caton: What comes out of this whole issue, as has already been mentioned today, is that different levels of government have responsibilities and it is useful if there is communication.

Dan Rogerson: In terms of local air quality, they do have responsibilities to monitor that and to report that back to us so that we can have a picture of where there are issues that need to be dealt with. We are consulting on changes to that regime. Members of the Committee are probably aware of that in their own constituencies. If there are areas that have a particular local problem, as distinct from this big overarching national issue of EU compliance, then they will be looking at ways they can improve the situation. If there are opportunities for development investment or whatever that will allow them to change a particular junction that is a problem or to put in more cycling or pedestrian access, all these sorts of things, that is something I am familiar with local authorities doing. They are very much aware that as they have the responsibility to report on this local air quality and where there are issues, they need to come up with plans to tackle it.

Q217 Martin Caton: Yes, but we are talking about a national planning policy, so who is looking to see whether that national planning policy is working? Admittedly it involves people lower down in the tier of things. For instance, has the Department for Transport and DEFRA had any discussions about what the outcomes are of this policy?

Dan Rogerson: We will all look at the objectives that we have as Departments and the objectives we have across Government to improve things around economic growth and so on. When it comes to the framework, which is at an early stage, it is not something that has been there for 10 years or five years—again, what I was talking about earlier on to the Chairman—and you have to have enough data to be able to look at these questions. But our focus would be on the air quality issues and discussions with local authorities about what they are doing to improve that situation. I was involved in a workshop that we ran in DEFRA a few weeks ago where we had representatives from several local authorities talking about how they are having those discussions with their local communities, interacting with the health bodies in their areas, looking at development to transport and so on to make improvement on that. So I think it is on the radar for local authorities.

When it comes to the specific question about the national planning policy framework, that will be a matter for colleagues at DCLG, but as regards the issues we are talking about today with air quality, I think it is fair to say that local authorities are conscious of this but we can do more work, particularly with local authority members, to raise awareness of how they could make a difference in the decisions they take locally.

Chair: Did you wish to come in, Mr Hayes?

Mr Hayes: I will come in later. I don't want to interrupt my honourable Friend's flow.

Q218 Martin Caton: This one is back to you, Ms Barr. Some of our witnesses have expressed concern that current planning procedures concentrate on individual developments at the expense of broader strategic and spatial planning, such as the location of buildings in relation to pollution hotspots. Do they have a point?

Louise Barr: The national planning policy framework sets out that the objective of planning is to secure sustainable development. As we have previously discussed, there are very clear policies on air quality and pollution that set out the Government's objectives in relation to pollution and air quality. That is translated into policies and strategy at the local level through local plans and those local plans are at the heart of the planning system and the development decisions need to be in accordance with those local plans. The strategic location, the strategic objectives for a place are determined through the local plan and also neighbourhood plans in line with local priorities.

Q219 Martin Caton: Forgive me for not knowing but would the national planning policy require local authorities to resist certain sorts of development near to pollution hotspots?

Louise Barr: Decisions need to be taken in accordance with the local plan and the local plan needs to be in accordance with policies from the national planning policy framework. There is a hierarchy and in practice those kind of proposals would probably get streamlined out through the planning system because there are very clear messages in the planning system. There are objectives set out in the national planning policy framework that are translated into what is going to be most appropriate in a particular place through the local plan policies. Any decision needs to be in accordance with that plan unless material consideration is determined otherwise. In practice, it is highly unlikely that completely inappropriate development is going to come forward in a place, because of those mechanisms that are in place and the very clear messages and intentions that are set out in policy.

Q220 Martin Caton: I was a councillor and vice-chair of a planning committee for quite a long time. I think we all know that often planning decisions end up as a balance between economic development and the environment and very often the economic development is the stronger card.

Louise Barr: Achieving sustainable development is always about a balance between the social, economic and environmental considerations and that is translated into the policies in the local plan. There is always that balance. There is scope through the planning system ultimately; there is a potential to refuse an application if that is appropriate on air quality grounds. There is also a lot of scope to identify through early engagement in shaping the local plan and through early discussions on any application. There is also a lot of opportunity to identify whether there are actions that can be taken through planning obligations or planning conditions to mitigate any unacceptable air quality aspects to the point where that application can be made acceptable. All of those things are factored into the planning system as well.

Q221 Chair: Before we move on, can I press you a little bit further on this? You could well end up with local authorities that did not have a priority in terms of air quality, couldn't you?

Louise Barr: The local plan needs to be in accordance with the national planning policy framework and that is tested at an independent examination. That independent examination will test whether the plan is sound and therefore it is testing whether those objectives have been adequately woven in if it is appropriate to do so.

Q222 Chair: Is there guidance from Government within the NPPF in respect of local authorities giving a weighted priority to matters relating to improved air quality and is there guidance that says how that should be weighted alongside other considerations such as economic and social considerations?

Louise Barr: There is a very clear statement in the national planning policy framework that I can point you to, which is that, “Planning policy should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of air quality management areas and cumulative impact of air quality from individual sites in the local areas”. So there is a very clear reference. Underpinning that there is also online planning guidance that sets out the considerations to be taken into account about air quality and references additional information that is available on other Government Department websites, particularly DEFRA. There is a suite of information that is available to inform both local plans and resulting development decisions.

Q223 Chair: In this independent assessment, have there been any cases where any local plans coming forward have been rejected because they have not prioritised sufficiently air quality standards?

Louise Barr: I am not aware of any cases around local plans specifically but there would certainly be discussions and testing about whether the plan is in accordance with policies in the national planning policy framework. In terms of specific cases where that has been taken into account or that is a comment by the inspector, I would need to take that away and come back on that.

Q224 Chair: It would very helpful to have that. Mr Hayes, you wish to come in.

Mr Hayes: I was excited by Mr Caton’s question, Chairman, and stimulated to this. I hesitate to quote Bennett to you, but I think Bennett said, “Any change, even a change for the better, is often accompanied by drawbacks and discomforts”. Our job is to try to minimise those drawbacks and discomforts. In terms of national planning policy, I mentioned earlier that the draft Department for Transport policy statement for national networks—those being major road and rail networks—is in draft at the moment. I think it is fair to share with the Committee that we address specifically some of the issues Mr Caton raised.

Q225 Chair: Is this in connection with the infrastructure? You have responsibility for infrastructure as well, don’t you?

Mr Hayes: This is infrastructure, yes, major infrastructure projects. It says in that respect, and I am mindful again of work this Committee has done previously, which I will mention in a second, and forgive me for being exhaustive, I think it is very important.

Chair: It is all a cross-cutting thing so we are very keen to—

Mr Hayes: Very much so. Another of your reports, the ninth report of 2010-12, which was the follow-up report to the earlier one, specifically says, “The Government should produce an action plan setting out how air quality is to be considered in policy development across Government to encourage benefits with other policies or discourage policy conflicts” and so on. Infrastructure does just that because it crosses a series of Government departments, it affects all kinds of areas. This draft says, “In decision-making, the Secretary of State should consider air quality impacts over the wider area likely to be affected as well as in the near vicinity of the scheme. In all cases the Secretary of State must take account of relative statutory air quality thresholds set out in domestic legislation”. It goes on to say in chapter 5, so we are talking 5.9 and 5.10, “Air quality considerations are likely to be particularly relevant where schemes are proposed near adjacent air quality management areas”. It goes on to say, “The Secretary of State must give air quality considerations substantial weight where a project would lead to a significant air quality impact and/or lead to a deterioration in air quality in a zone where air quality breaches—” and so on.

The point I am making is that the Government does take this seriously. We appreciate that in those kind of major schemes it is right that air quality is central to considerations because, of course, by their very nature in proportionate terms they could have a greater impact. We are, in developing this policy, doing exactly the kind of thing that this Committee has previously called for by writing those considerations into the very heart of our approach. I felt Mr Caton’s remarks stimulated a necessary response to those infrastructure questions.

Q226 Chair: I think that is helpful in respect of infrastructure national planning. It would very helpful to know what the draft is that you have just referred to and whether or not we could have a copy of that. Is it yet in the public domain?

Mr Hayes: Yes, it is going to be published.

Rosaline Wall: It is being consulted upon. The consultations are closed and we are now considering the responses we had and we are planning to do the final version before Christmas, is our hope.

Dan Rogerson: Just one final point on that. I think it is not just planning and development not making things worse. It is also looking for opportunities where development, as well as providing economic growth, can improve the situation, whether it be for improving a problem junction where the congestion is causing a real hotspot for pollution or putting in other green infrastructure that might help.

Also, by embedding it in a local plan I think it is in the interests of local authorities to do it—and I know that local authority officers will take these things very seriously—because there is the frustration that where something is developer-led, that does not meet with the priorities for the local authority and a planning committee turns it down, it is then won under an appeal because the developer is able to make a case that it does fit within policies. This is another tool that can be there for local authorities to say, “As a developer, you have not taken this into account. As a local authority we have and that is why we are able to make the case to a planning inspector”. I think it is in the interests of local authorities to make sure that this is embedded in their planning processes in that way.

Q227 Martin Caton: Following on from that answer, a local plan really does need to consider the economic and infrastructure issues. If you are just talking about house building, for example, you are not really going to meet those criteria, are you? Instead, a local plan does need to think about how people are going to get to work, where the economic opportunities are and how that fits in with the overall expectations for the area that the plan is for. Do you agree? How do we embed that into planning?

Dan Rogerson: My colleague can talk about how that is in the process but I think you are right to raise that as an issue. That is what local communities will raise straight away. Even if there is a willingness to see more housing and an understanding that it needs to come, the first question will be: where are all those cars going to go or what are the other transport links? What public transport links are there as well to avoid it? That is an approach that I think we need to see coming further forward. I have been reassured by the comments that have been made by our colleague here from the DCLG that that is something that the national planning policy framework sets out.

Q228 Chair: We just happen to be talking about air quality now but we could equally be talking about flooding or other issues of environmental interest. I think the concern, the heart of this is that we now have local plans and we might have national government strategies, as we have in respect of air quality now, but the guidance that comes down from on high to the local authorities does not provide the safety net to make sure that these considerations will be properly weighed when planning decisions are made. We end up with people from all parts of the country contacting us with examples of whatever the official policy might appear to be, when it comes to the actual policy that does not seem to have been reflected in the local plan and that the guidance does not seem to be there to enable applications to be rejected because they would be contributing to greater problems. We heard it, for example, on air quality in relation to Sheffield where there were examples of big developments with local people saying, “If this goes ahead we are going to be exacerbating the problems of air quality”.

Dr Case: There is planning practice guidance on air quality that was published. It is a web-based resource, published on 6 March this year, which does just that. It explains exactly how it should be taken into consideration. That guidance is out there and local authorities are aware of it in the discussions that the Minister held with a number of local authorities and other stakeholders.

Q229 Chair: Did you want to come in, Mr Hayes?

Mr Hayes: I simply wanted to agree with you. I think it is important. There is no harm in agreeing, is there? As the purpose of this committee is to help develop policy as well as scrutinise it. I do think it is important the Government is consistent in this respect, so, the dialogue between national government and local government matters, not least because the public will take the view that they expect a reasonable degree of, if not uniformity, certainly coherence in public policy. While respecting local determination of these things and moreover respecting the fact this is not my area, it is Mr Rogerson’s, I do think you make a powerful point.

Dan Rogerson: We can agree as well. That is okay. In the final analysis though, it is in the interests of local authorities. As we have discussed already this afternoon, and you mentioned flooding and air quality, in all these issues the downsides impact on local authorities as well. If local authorities are not taking account of issues such as air quality

and the flood risk and so on, they will be held accountable because they will have to deal with the problems that arise from that as well in terms of local air quality.

Q230 Chair: We are going a long way from air quality. The flooding is a little bit further. We have examples in the West Country where huge planning developments are going ahead, where local people and local councils or parish councils are saying there is a risk of flooding if this goes ahead. There is no means of rejecting planning applications that are being given because there is not this synchronisation between the local and the national strategies.

Louise Barr: The national planning policy framework is clear that the objectives are sustainable development and that is about social, environmental and economic objectives. Those objectives are woven through the national planning policy framework. For example, the national planning policy framework not only promotes the importance of air quality; it also promotes the importance of sustainable transport, healthy communities, achieving good design, promoting safe and accessible developments, clear and legible pedestrian routes, quality spaces, preservation of the most protected areas, and there is very clear policy on flooding. Local plans need to be and will only be found sound by the inspector if they are in accordance with the national planning policy framework. Those local plans do reflect, but according to local circumstances and according to local priorities, that policy in the appropriate way.

Q231 Peter Aldous: Ms Barr has partially answered my question. It is the responsibility of the planning inspectors in determining whether a local plan is sound in accordance with the national planning policy framework. Are you happy that those planning inspectors are getting sufficient guidance that this is a particular issue that they do need to take into account?

Louise Barr: The planning inspectors are independent inspectors who work for the planning inspectorate. They are a professional community of professional planning inspectors who undertake their job accordingly.

Q232 Peter Aldous: Do you know if any local plan has been found as being unsound because it does not satisfy this particular issue?

Louise Barr: A particular issue?

Peter Aldous: The issue of air quality.

Louise Barr: I don't know that specifically. We mentioned that earlier.

Q233 Chair: That is the issue, isn't it? That really is the issue as to whether or not local plans are fit for purpose in terms of national strategies.

Louise Barr: Certainly local plans have been found unsound. One of the tests, for example, is that there is a duty to co-operate in a local plan. That is one of the tests, so the inspector will be looking at whether the planning authority has engaged with neighbouring authorities, including on areas that have impacts beyond their local boundaries, one of which will be air quality. That is one factor the inspector looks at. Another factor that the inspector looks at is whether the plan is the most appropriate strategy when considered against reasonable alternatives, based on proportionate evidence. Another factor, as we have talked about, is whether it enables delivery of sustainable development in accordance

with policies in the national planning policy framework. All of those are taken into account under examination by the inspector.

Chair: I have allowed us to go quite a way off-piste, so we will return and I will call Caroline Spelman.

Q234 Mrs Spelman: Back on to the focus. In these air pollution hotspots, the Chartered Institution of Water and Environmental Management identifies road transport as the main cause of air pollution in 92% of cases. In their evidence to us, the Campaign for Better Transport said that, “The Highways Agency does not currently have a clear operational obligation to act on air quality in any proactive way. It is merely a statutory consultee.” This is one for the Transport Minister. Under the Infrastructure Bill, the Government’s plan is to turn the Highways Agency into a Government-owned company. Will the department take measures to ensure that the new company has a legal duty to consider air quality?

Mr Hayes: The comments I have already made about the draft in respect of major schemes—and the Highways Agency is responsible for major works—makes clear that we are writing into our plans a very serious set of considerations about this. By the way, I will ask my department whether this document can be made available to the Committee because I think it will help with the question, even if it is on a non-disclosure basis in the way that limited documents are made available to the European Scrutiny Committee, for example. I will double check that with the department, but personally, I am very happy to do that. That will allow this Committee to look at those elements, which I began to read out, but abbreviated my remarks because they are exhaustive, that deal specifically with major road schemes, for which the Highways Agency has responsibility.

The answer to your question is that we will be looking very closely at air quality in respect of those schemes. As you know, this Government is involved in a number of very major road projects. This matter will, of course, be discussed when we debate the Infrastructure Bill when it comes to the Commons. I am the Infrastructure Minister, as you know, and I will be taking that Bill through the House and that will give me a chance to speak further about those plans. Do you, Rosaline, want to add to that?

Rosaline Wall: Just to talk briefly, we work very closely with the Highways Agency as a team and a Department, and with DEFRA colleagues as well. I can assure you that they do take air quality very seriously. It is something that is built into the way they operate. For example, the fact that an environmental assessment has to be done for each scheme is obviously a requirement. They do more than being simply a statutory consultee. They are a partner for many local authorities. For example, they are currently doing a joint study in Manchester with TfGM, Transport for Greater Manchester, on how they could tackle air quality together. I would challenge the assumption that the HA are not actively involved locally. It is not the way that I have seen them operate.

Q235 Mrs Spelman: It was not the assumption from the Campaign for Better Transport. It is the fact that it is not a legal duty. Since it is not yet a legal duty, without a legal duty how would you prioritise between economic and environmental criteria? How would the new company prioritise that?

Rosaline Wall: The point that I was making is that there is a legal duty in the way that they have to consider the environmental impact of schemes and that is where the focus is

in delivering both the existing and the future major projects. As the Minister mentioned, the NNNPS will help give further guidance to structure that. Also the key is that they will still be answerable to the department and closely involved and we recognise our contribution to the overall air quality policy framework that is led by DEFRA. So I think there is still a very strong process in place to ensure that the Highways Agency will continue to focus closely on air quality.

Q236 Chair: It either is going to be a legal duty or it is not, and I am still not clear.

Rosaline Wall: I think the plan is that the licence that they hold in relation to this will simply transfer over to the company. So they will not gain a new duty but—

Q237 Chair: Are you saying that they should not gain that? Why could that not be included in the legislation?

Rosaline Wall: I think the aim is that we structure the new company and we feel that they already have sufficient requirements to deliver on this agenda. The view is that as they are still doing a lot on air quality, that is what will transfer over and so I don't think we can see there is any particular benefit in a new duty that is going to change the way they behave.

Mr Hayes: Perhaps I can be helpful to my official, because I like to help officials. The road investment strategy, which as you know is our long-term plan for roads, will set out specific delivery requirements and those delivery requirements for the new Highways Agency in its amended form, will reflect the department's objectives for tougher environmental standards and outcomes and that will include requirements, because I will make sure it includes them—

Chair: So there will be a legal duty?

Mr Hayes: I am going to make sure that those requirements on the company include environmental performance, both in terms of the general operation of the company and the specific schemes. I think it is important that that is set out as part of the new company's *modus operandi*.

Q238 Mrs Spelman: From the same source of evidence, you will be pleased to know that they welcome some of the promising developments through the Highways Agency specifically designed to improve air quality, such as variable speed limits on motorways, but they are anxious about the scale of the Government's road-building programme, which is ambitious, and they fear they delay the ability of the United Kingdom to be compliant with the air quality directive without further mitigations. What is the view of the department towards more low emission zones in other parts of the UK, particularly around cities, and more ultra low emission zones of the type that the Mayor of London is proposing?

Mr Hayes: As you know, emission zones are not a matter for me, they are a matter for my honourable friend but—

Mrs Spelman: Can I just stop you on that there? I don't believe that your honourable friend can proceed with a policy of extending low emission zones without the support of the Department for Transport. Do you support that policy?

Mr Hayes: My view on the emission zones and on the specifics that you raised, which is about the kind of mitigating measures we can put into place to deal with some of the challenges that you describe—you talked about variable speeds and so on—is that mitigation measures do need to take account of project design, layout, construction and operation and we should consider all kinds of measures that improve air quality in pollution hotspots of the kind that you referred to, but actually beyond that too. Given that, I have made clear that our draft in respect of major projects and our marching orders, if you like, in respect of the Highways Agency, reflect a fundamental desire to maintain and to improve quality. I think you are very clear about where my department is coming from and we are more than happy, as you suggest, to transmit that message to colleagues to get the joined-up thinking that I know this Committee is so keen to ensure.

Q239 Peter Aldous: My first question is to Mr Rogerson. When do DEFRA intend to bring out the second consultation on local air quality monitoring?

Dan Rogerson: I have talked a little about this already. That will be done soon, although we can't use "imminently" as a term that has a particular meaning in terms of civil service language.

Q240 Peter Aldous: I think the date I had seen was by the end of this year, so you are on target for that?

Dan Rogerson: Yes, we are. The discussions we are having with partners on an ongoing basis, as well as the formal consultation, are part of that process in reforming that system, but that is as a result of a consultation. We are not seeking, as you quite rightly point out, to ram something through. We want to do it on a consultative basis.

Q241 Peter Aldous: I think there was some early inklings as you were setting about that work that the Government were planning to remove local authorities' legal duty to monitor air quality. Is that still the case?

Dan Rogerson: The focus has been on making sure that we have a system that is targeted at improving the situation. It is the conversation we had earlier on. The outcome we want to see is improving air quality both locally and—

Chair: Sorry, but that was not quite Mr Aldous's question, was it?

Dan Rogerson: In order to do that, given the resources that local authorities have at their disposal, we wanted to make sure that what they are reporting on is done in as efficient a way as possible and takes account of the fact that with some pollutants we are in a much better place now than we were historically, so there needs to perhaps potentially be less of a focus on those but more of a focus on the others, and then a focus on delivery. Obviously there has to be some monitoring, that is the whole point of the process, but it is not just about monitoring and reporting it back. It is that they can use as much of the resource as possible.

Peter Aldous: They are going to still continue having that monitoring role?

Dan Rogerson: Yes.

Q242 Peter Aldous: That is great. Thanks. If I can come on to Mr Hayes now. Will the local sustainable transport fund continue after 2016? I think there is a view that it has been very successful and we had your predecessor, Mr Baker, talking to this Committee, waxing lyrical about its success. I would welcome an update on that, something that has been successful, whether you do plan to continue it.

Mr Hayes: In terms of lyrical waxing, the honourable Gentlemen, who is a former member of a local authority and is a great authority on these things himself, will know that we put £540 million into the local sustainable transport fund for local authorities that, combined with a match in local contributions, has taken the total investment in sustainable transport to over £1 billion. He will know about the effects of that. He is right to say that that fund has done important work. Between 2011 and 2015 we are investing no less in total than £540 million which will provide better road safety, public health and community wellbeing. I have no plans to stop that. I would not in any way, where progress has been made, want to inhibit, abridge or amend it.

Q243 Peter Aldous: Is there a plan to announce another round for the local sustainable transport fund?

Mr Hayes: It is my determination. I can't prejudge what might happen under future Governments and even future Ministers because my tenure will not be endless. But certainly the intention of the Government is to continue to work with local authorities in that way, to stimulate the kind of matched funding necessary to get that kind of level of investment, and to make the difference in all of the areas I have described that I know you so strongly support.

Q244 Mike Kane: I would take issue with the Minister about building up billions. My question is around what we call it devo-max but I would like to call devo-Manch at the moment. Greater Manchester spends around £22 billion on public services and raises about £17 million in revenue. The thing it would like to do is wipe its own feet. Rosaline talked about the air quality monitoring study with Greater Manchester Transport but unless we give devolved powers to city regions, a region that is bigger than Wales, that nearly begins to match Scotland and is bigger than Northern Ireland, how can we compare to what goes on in London? We have a free market bus system in Greater Manchester that is failing. Bus patronage is going down, yet in the capital, where investment and co-ordination is in place, where there is not quite such a free market system, bus patronage is rising. We have a conurbation that is growing from 2.25 million to 3 million in the next decade. I will ask a question soon.

Next week I get to ride on the Metrolink line from Manchester city centre to Manchester airport and I thank this Government and I thank the last Government and I thank the Government before and the one before that, because we were consulting on this line in 1992 and it will open next week. From our air quality experiments that we all did a few weeks ago, we know that train transport is by far and away the cleanest. If we want to match those targets we shouldn't be just setting arbitrary targets to local authorities and doling out the billions. We should make them wipe their own feet in terms of air quality and what they raise and how they spend their money and make their own decisions locally

Chair: And the question?

Dan Rogerson: Discuss.

Mike Kane: Do you agree? I sort of gave Dan a heads up on this question because it is not about this Government and holding this Government to account. It is about how we hold all Governments to account, whoever they are going forward. Do you agree?

Q245 Chair: Sure, but the question for this Committee in respect of the scorecards report that we have just published is recognising that the issues we are dealing with are long term and transcend any one government. In the context of the report that has been published today, I am looking to devolve more powers to particularly northern cities. By the way, it does not just relate to northern cities, it is the other core urban areas as well. I think the real question is how can meeting these EC air quality targets be built into all of that infrastructure, long-term spatial planning investment strategy? How can the area of responsibilities that you have at this stage address those in a long-term way so that there is this ability to be able to make informed decisions now in the interests of improved air quality? That is the issue.

Dan Rogerson: Yes, and we have discussed those. We have talked about the planning system and the way that operates locally. We have talked about my Right Honourable friend's determination on infrastructure projects, that they make a big contribution, again not just to make sure things do not get worse, but to improve the situation.

Coming back to Mr Kane's comments about devolution, you are preaching to the converted here. I am a big believer. We have started on that journey, local growth deals, for example, which go a little bit further than saying, "Here is some money". It is about what pitch do you make as a local community and a local enterprise partnership and it is about areas where you think you can do with a little bit more control in order to unlock the potential there is in the local area on making life better for people there. I think that is the right process and the right discussion to have. I am not sure, when Mr Kane launches his bid to be premier of the new Greater Manchester Assembly in the future, we will hear more about that, but I am certainly very supportive of that as an approach, because a lot of these questions are best solved locally. But if there are proposals, as we have discussed in London for specific things the Mayor is coming with, then we want to hear what they are. If the analysis shows they will make a difference and we can help facilitate that, then that is what we want to do.

Q246 Chair: One last question on this before I move on to the detail of it with Caroline Lucas for a second. Just in respect of the TTIP discussions that are going on now in terms of transatlantic trade talks, this issue relating to public services and bus services, and looking at, for example, the decision that Tyne and Wear have taken today to move towards equality in contracts in terms of their local bus services, how does all this link into the Department for Transport long-term planning if, for example, there is concern that public services cannot be safeguarded and that local authorities will end up not being able to introduce the kind of better contract services that they wish to do?

Mr Hayes: I think there are two things, Chairman. The first is that, as you know, in the particular case of the north-east, the power for a local authority to take that kind of decision has existed since the Transport Act 2000, so the local determination that is indicative of has been statutorily available to local authorities. In the end, it is a matter for them to decide, in concert with local community, what serves them best. I have already

said that I agree with you, but to make the point very emphatically, I think you are right about what you have said in previous reports about joined-up policy and you are right about what you said in previous reports and you affirmed today earlier about communication. The dialogue that takes place is important and the way that Government explains its own thinking, the way it interfaces with other agencies is important. We talked about the Highways Agency a moment ago, but of course there are a series of other bodies that Government needs to communicate with, and in particular with respect—sorry to be verbose, but I think it is important—to air quality. I would go further and I am happy to do so at this meeting. I think it is important that the Secretary of State takes account of air quality on major schemes, and indeed the mitigation measures that the Right Honourable lady talked about to some degree, which might include reducing speeds; it might include barriers and traps and all kinds of other measures; it might include the use of pollution abatement technology, that those things are considered in respect of those schemes.

It seems to me that where we need to go now, and what I am hoping to do as Minister, is to begin to write that down, to make that policy so that we can get the consistency and coherence that we talked about earlier. I think it is time now to be very clear about expectations, mitigation and the role of central government in that respect, and then to communicate all of that in the way I described, to those other agencies, the Highways Agency, but also to a whole range of other bodies, including local authorities. That is the difference I intend to make as Minister.

Chair: Okay. Thank you very much for that contribution. I will turn now to Caroline Lucas.

Q247 Caroline Lucas: Thank you very much and apologies that I had to slip out for 20 minutes earlier. My main question is about low emission zones, but before I get there, perhaps I could just quickly ask a question following on from the discussion just now about buses, because obviously buses can form a key role in our public transport infrastructure, getting cars off the road and so forth. In the last election, the Taxpayers' Alliance called for the abolition of the bus service operators' grant as their number one policy priority. I noticed that Lee Rotherham from the Taxpayers' Alliance is on your staff, Mr Hayes, and so I just wondered if there is any perception there or you think there is any risk of perception of a conflict of interest.

Mr Hayes: I take an overall view of all such matters and so I hold the view that people that I work with and for, in an open and free way, need to be able to have their own views and opinions on things.

Caroline Lucas: You are not at all worried about any—

Mr Hayes: I am an open-minded man, you know that.

Caroline Lucas: Yes, it is the first words that come into my mouth.

Mr Hayes: I do not want to trumpet this, Chairman, far be it for me to do so, but as the environmental campaigner of the year, this openness is etched on my heart.

Q248 Caroline Lucas: Excellent. I am delighted to know that. I will come to low emission zones, because we have received evidence that a national framework of low emission zones with consistent standards right across the country would allow local authorities to administer individual low emission zones in a lot more effective and indeed cost-effective way, so the

question is whether the Government would reconsider having that national framework for low emission zones.

Dan Rogerson: We will consider, as part of our response to the issues that we are dealing with now and our discussions with the Commission and so on, a whole range of actions. That is something we could consider in the future, but in terms of where we are seeking to work with local authorities who are interested in taking low emission zones forward and under their own initiative—we mentioned earlier on that Oxford do so with how they are operating buses in their area—we have been able to provide some resource and some expertise and some advice to local authorities for them to explore what it might look like locally and to talk about what standards they might want to impose. At the moment, it has been that sort of process, but that is something that we could revisit in the future.

Q249 Caroline Lucas: Do you know what the obstacles are to moving more swiftly on it, because in a sense it seems a bit of no-brainer? It does seem a bit odd that if you are a vehicle operator in Leeds, then having a vehicle that you can drive in the Leeds low emission zone but not into another one does seem counterintuitive. Also, if there are cost-effective solutions out there, then I am not quite sure what the obstacle would be to move down that route.

Dan Rogerson: The point we were discussing earlier on about how big a difference the standards make as well, so it is also about whether the standards themselves are robust and the tests that certify that vehicles meet those standards are up to scratch, because otherwise you will not get the improvements that you want to see. That is why the negotiations that the Department for Transport lead on at the European level about those tests and about those European standards are really important. We have done work, along with local authorities, about what would be right, because in a lot of these areas there may be particular issues that are causing the problems, so they need that local analysis about what it is in that environment that is leading to problems in their area.

Q250 Caroline Lucas: I still do not see why that would stop central government from taking a real lead on this and giving local authorities the tools that they need to implement low emission zones, then we can talk about standards separately. Another question I have is around a national certification scheme for compliance with emission standards. The two can go hand in hand. It is not forcing local authorities to do it, but it is giving them the tools and it is having a consistent approach right across the country. I am still struggling to see what. Is it cost that is the big obstacle?

Dan Rogerson: No. I think we have been working with them and providing the funding that we have for them to come up with those tools locally and to develop things that they think would work in their area, but as in different areas the causes will be different, the geography is different and so on; the road structure, who is using that transport infrastructure that is leading to those problems is slightly different in some areas. You made the case there that it is one guy with his white van who is driving around all these places. If it were him and it were down to him, we could pinpoint him and sort him out and then that would not be a problem, but it is slightly different in a lot of these areas, so it is important that we have strategies that work in each area. We want to work with local authorities to come up with those solutions that are right for the circumstances in which they find themselves.

Q251 Caroline Lucas: I guess I would simply say that a lot of the local authorities that we spoke to said that having this national Government-led, joined-up approach to low emission zones would be exactly what would help them, but anyway.

You have talked a little bit already about the certification, I guess, with emission standards, but could you just say again if the Government will consider a national certification scheme for compliance with emission standards?

Dan Rogerson: I think our focus is on getting the standards right at the European level, because we think that is where we can have the most benefit, and not just in terms of what we deliver, but in areas such as the south-east, along the south coast generally. We do get cross-border pollution as well coming in from the Continent and when the winds go in the other direction, we send it back there as well, so it is something we think can be developed and tackled and solved most effectively at the European level.

Chair: I think it might be helpful for everyone if I say I am looking to end this session at 4.00 pm, and we have about four or five perhaps more technical questions still, so I will turn next to Caroline Spelman.

Q252 Mrs Spelman: When the Mayor of London gave evidence to us, he said that diesel vehicle drivers were right to feel hacked off that they were incentivised by fiscal incentives to buy diesel vehicles because of fuel efficiency, but now they were being fingered as the most polluting vehicles and they are now regarded as the prime cause of air pollution with particulates and NOx, so what are the most effective ways to tackle this issue and encourage people away from buying vehicles with diesel engines?

Dan Rogerson: What we want to focus on is cars that pollute less, no matter what they are, so rather than specifying—for the reasons you already said, and carbon reduction as well—a switch back to petrol away from diesel, because that could have other effects that we would not want. I would refer my Right Honourable friend to the answer I gave a moment ago: it is about making sure that the vehicles reflect the standards that they should so that they are operating in a way that they have been certified to do, so that we will see the improvements regardless of what particular method of propulsion they have or whatever fuel it is that they use.

Q253 Mrs Spelman: Are any of your departments talking to the Treasury about fiscal incentives? The Mayor of London referred to the idea of a diesel scrappage scheme, for example, or a variable excise duty. Are you having anything like those conversations?

Dan Rogerson: Again, we want to hear from the Mayor his specific proposals about what he thinks would make a difference in London. You are quite right to point out that a lot of those fiscal incentives would be a matter for the Treasury, but as part of our regular discussions across Government about what it is appropriate to do, then we would explore that with the Treasury if we felt that to be something that would be helpful. But we do not have any proposals to do so at the moment.

Q254 Mrs Spelman: Is the Department for Transport talking to the motor manufacturers about what can be done from their side? Is the Minister aware of proposals for urea to be added to fuel tanks, an old-fashioned method for dealing with pollutants?

Mr Hayes: The right honourable lady knows particulate matter from vehicles has fallen pretty dramatically, by 31% since 1990, and between 2010 and 2020 we expect that to fall further, perhaps by up to 84%. That is partly through other measures and partly because we now, of course, filter diesel in new diesel cars so the emissions are reduced. I think she is right, that we need to step up those discussions with the manufacturers and we do need to look out for technology to be improved. Partly as a result of my arrival in the department and partly as a result of the scrutiny of this Committee, I am having further discussions with the industry on exactly the basis you described. I think we can go further and we can do more.

Q255 Mrs Spelman: In view of the reports today in the media, has the department any plan to deal with the illegal removal of filters from vehicles, which we understand is a practice that occurs because of the difficulty of dealing and maintaining those filters?

Mr Hayes: I refer all legal matters to my officials.

Chair: I think the aspects that we were particularly concerned about as well are the inspections that are done on the vehicles in relation to that.

Rosaline Wall: It is something that we have been made aware of and it is something that we are looking into. We want to be quite clear that it is something that should not be happening and we have made public statements to that effect. It is obviously quite difficult to control and I think that is something that we are looking into to make sure that we can ensure that vehicles maintain the technology that has been brought in to do the very thing that we need it to. It is something that we are very much committed to.

Chair: For the purposes of our inquiry, it would be useful to have any evidence that you have on that.

Mrs Spelman: Just one final question—

Rosaline Wall: We can maybe give you more detail on that.

Mr Hayes: Forgive me, Caroline. Maybe we can do two things. One, we will look at that more closely and write to the Committee. Secondly, I will ask my officials to look again at what we are doing and whether more can be done; what the options are. I will do that as a direct result of this hearing.

Chair: That is helpful.

Q256 Mrs Spelman: One last question: how do you balance the fiscal incentives so that they tackle diesel users in city centres, where it has a deleterious effect on air quality, versus diesel users in rural areas or areas of low pollution so we do not unfairly penalise them?

Mr Hayes: That is, as you well know, Caroline, the \$65,000 question because, of course, it is quite hard to determine the character of vehicle use given the differences between the way that a vehicle might be driven in town and the way it might be driven in the countryside—people in the countryside often have to travel much further to access public services, work and so on—and, indeed, to relate that to effect; in other words, relating hotspots and existing problems with emissions, to vehicle use. That is why all such schemes are challenging, if I can put it that way. You draw attention to exactly the subject

that I have been looking at and there is not an easy answer to the question. I do not want to give you a blithe or easy answer, as I would rather look at the matter properly and try to come up with a scheme that works.

Q257 Mrs Spelman: I sense that the Department for Environment, Food and Rural Affairs is trying to square that circle as well.

Dan Rogerson: Well, only to say that there are obviously issues with air quality, very localised issues, within small market towns and so on as well. What it has to be about is improving the performance of those vehicles generally on emissions so that we see the benefits in those very localised circumstances as well as in the more urban areas where the background issues are well known and well described and well understood.

Mr Hayes: Needless to say, Chairman, all fiscal matters are for the Chancellor and not for me.

Chair: I know, but we still need joined-up thinking between the Department for Transport and the Treasury as well, irrespective of who they are a matter for. I know Mark Lazarowicz wanted to come in.

Q258 Mark Lazarowicz: On this point of cleaner vehicles, the new EU 6 standards, one of the reasons, of course, for them coming in is the fact that the EU 5 standards did not lead to a reduction in nitrogen oxide as they were expected to do. We are told one of the reasons for that is that there was not on-the-road testing in the real world of the vehicles previously. Is the department—presumably it is for the Transport Minister—considering doing its own testing of vehicles because of the deficiencies that were discovered with the EU 5 procedures? Would that not be a good idea?

Mr Hayes: Again, with the precision of a rapier, this Committee is getting to the point. As you know, Mark, the testing regime was imperfect and part of the reason for that, as I am sure you also know with your expertise in these things, was because they were laboratory tests by bespectacled Brussels boffins, not road tests. It is very important that we get those tests right because, notwithstanding your earlier remark about the standards—there is a technical debate and we have had the discussion about that earlier in this consideration—even if you are unhappy about the standards, once the standards are established the way you test in order to enforce those standards is salient. The 2017 tests need to be right and they need to relate to real road usage. We must not let any bemused bureaucrats in Brussels prevent that happening.

Q259 Mark Lazarowicz: Will you be doing testing, yourself and the department, to make sure the new standards are fit for purpose?

Mr Hayes: It is important that we feed into the process that I described to establish that the testing is right across the whole of the EU, and certainly we will be engaged in that. The discussions are already ongoing; we are heavily engaged already in making sure these tests are right. My officials are on the case. I do not know if you want to add to that.

Rosaline Wall: I think the thing to bear in mind is that manufacturers often operate at a global level.

Mr Hayes: Precisely.

Rosaline Wall: They need to be able to access the EU market. They do not think of it always as individual countries. Therefore, having standards that are set at an EU level makes it more straightforward for them to plan. It takes a long time for manufacturing cycles for new vehicles to be brought on board, so we want to work with industry to make sure that we can develop something that they can follow. I think the key is that as part of the single market we would not be able to do something legally enforceable, so that is the real problem.

Q260 Mark Lazarowicz: I am just talking EU wide. All I am suggesting is that at any stage will the department be doing its own tests of vehicles, just checking that the EU procedures are fit for purpose? Would that not be a good idea given what happened with EU 5 so we can then tell the EU whether there are any problems?

Rosaline Wall: What we are doing is, as the Minister says, the team is working very closely with officials. We are one of the top six countries that are most engaged in this process. That is the best way, I think, for us to make sure that this works in the way it is designed. That is the primary focus, that we want to get that right. The key is that we need to make sure that it is suitable to UK approaches because obviously different European countries will look at it differently. We need to be heavily involved to make sure that it works and gives us the outcomes on the UK roads for UK circumstances. We need to do that with them in the Commission.

Q261 Mark Lazarowicz: You will be having your own testing regime just to make sure that the new standards are fit for purpose?

Rosaline Wall: As I said, I think the approach is to work with the Commission.

Q262 Mark Lazarowicz: I am not trying to be difficult. I am just asking: will the DfT be contracting somebody to go and check they actually work? That is all I am suggesting.

Mr Hayes: You are not being difficult in any way. In fact, you are being, I think, immensely courteous.

Mark Lazarowicz: Seems a good idea to do it, I think.

Mr Hayes: No, I think you are being immensely courteous. I think it is very important that we get this right. We will use the expertise in the department. If the department has to take on extra expertise in order to make our input to that process right, we will do that, won't we?

Rosaline Wall: Yes.

Mr Hayes: We are determined to ensure that inasmuch as we contribute to the development of those standards—and I think Rosaline is absolutely right because the character of vehicle manufacture, as you very well know, does not observe national boundaries—it is important that it is done on a wider basis. Our contribution to that will be informed by the necessary expertise in order to ensure that these tests are right to meet the standards.

In fact, to be fair, without looking to digress, the progress, as you know, on HGVs and buses in particular relation to NOx emissions has been impressive. We are making

significant progress, certainly more than 30% and we hope to be able to get up to a 90% reduction in nitrogen oxide from buses and HGVs. There is more work to be done on cars and it is true, too—the elephant in the room, if I might say so, Madam Chairman—that there was a focus on CO₂ and we now need those tests to bring things up to scratch so that the new focus on NO_x is effective.

Q263 Mark Lazarowicz: Just briefly, in terms of the EU-wide standards, which are absolutely where we have to go, the real world testing regime, is that still going to come into force in 2017? I gather there is some suggestion that the industry were trying to get it delayed until 2020. Can we be confident that the new system will come into effect in 2017?

Mr Hayes: We are determined to ensure that happens.

Chair: Peter Aldous I think has a couple of quick questions.

Q264 Peter Aldous: On ultra low emission vehicles, yes. I think the Government do have a vision that almost every car and van in the UK should be an ultra low emission vehicle by 2050. That is a rather long way to go. As I think the Mayor said when he was before the Committee, we have hardly left the starting grid. Can the Minister outline what the Government are doing to seek to speed up that process?

Mr Hayes: Well, I know that you will be as excited as I am, Peter, at the surge—and I am not exaggerating, Chairman—in the number of electric cars. The record numbers in the last quarter reflect a significant change and we are determined to ensure that that growth continues. Just to give you the numbers, between July and September 2014 over 5,000 grants were provided, almost double the number in the previous three months and almost a third of all grants since the scheme was launched in 2010. There are now over 17,000 grant-funded vehicles of this kind on UK roads. We are committed to those vehicles and we are making significant progress.

Q265 Peter Aldous: That surge, do you attribute that to any particular policy? How are you going to keep that sustain going and keep it being sustained?

Mr Hayes: I think partly to the grant funding. We put our money where our mouth is in that respect, but these things, as we have said earlier in this hearing, are about communication, about marketing of policy, and that is moving ahead apace. There is always more to do. I think Ruskin said the test of greatness is humility and I am delighted to humbly admit that there is always more one can do.

Q266 Peter Aldous: That is helpful, Minister, and that is encouraging. Much of the emphasis on ultra low emission vehicles has been on electrical vehicles up to date. There are other technologies, whether that is hydrogen fuel cells or compressed natural gas or biomethane. Obviously, you want to stay technology neutral, but what policies are you pursuing to help those technologies come forward?

Mr Hayes: The critical thing with public policy in respect of innovation is that it should not be so rigid as to inhibit development. You cannot always predict development, but what you can do is inhibit it by excessive use of public policy. It is very important that in incentivising and encouraging a certain kind of technology one does not as an unintended consequence stall or discourage other developments. I am open-minded, as you clearly are from your question about this. Most of the vehicles are electric. Indeed, the remarks made

earlier related to electric vehicles. As I described earlier when I replied to Caroline's questioning, I am fully open minded about this, more than happy to have further discussions about other kinds of vehicles. I will certainly initiate those discussions as a result of your question. I am happy to write to this Committee about what more work can be done in that area and more than happy to mission my officials to go an extra mile in that respect.

Rosaline Wall: Just to reinforce that, there is funding within the £500 million for hydrogen and also for gas-related approaches. There is a commitment to look at all the technologies and to be technology neutral. So, I think just to reinforce that.

Mr Hayes: Yes.

Chair: Okay. We have a couple of quick sweep-up questions.

Q267 Neil Carmichael: Can I just ask a quick question about the issue of engines and so on? It is not just the engine that drives an HGV; it is also often the auxiliary engine that keeps them cool or whatever in terms of refrigeration and so forth. That needs to be taken into account with emissions. Is the Department for Transport looking into that and wondering about the technologies that might be available to promote?

Mr Hayes: Yes. In fact, because of the area I represent, Neil, you know very well, I have a lot of hauliers in my constituency because we are an arable farming area. We need to get the goods that we grow to other places, so I am very familiar with what you are describing. I know a lot of those hauliers; I work with them very closely. I have today asked my department, in anticipation of that question, on the back of my own experience, to give me further advice on specifically the point you made. It is right, we think of vehicles having engines, but as you rightly say there is other technology to take into account. I will be happy to report on that to the Committee.

Q268 Zac Goldsmith: I apologise for having been so late and I will not go into all of the things that I wanted to go into. One small technical question: it is often said that if all the kitchen waste in London was saved, not put down the drains, saved and converted into fuel, you would have enough to power every one of London's buses. There are companies that do this, usually very small, but my understanding is that the fuel that is generated is taxed as if it was a fossil fuel, maybe at a slightly lower level but I think it is the same level. My question to you is: how can that possibly make sense where you have companies turning what is a very expensive problem into a lovely solution, which also happens to address the issues we have been talking about today? That should not be penalised in the tax system, should it?

Mr Hayes: You would know about that, Dan.

Dan Rogerson: We have to come back to the answer John gave earlier about fiscal matters being sadly above our pay grade. As a Government, we have promoted anaerobic digestion, particularly from waste sources as well, and we have wanted to see progress on that in rural areas with the sorts of wastes that there are there, but also with food waste as well. Those sorts of schemes can generate gases that can be used in a number of ways, and transport fuel is one of them.

Q269 Zac Goldsmith: I am not expecting an answer, but would you make that point to the Chairman?

Dan Rogerson: The point is on the record and it has been made, yes.

Zac Goldsmith: Thank you very much.

Chair: I think we would like to have some advice on that. I thought we were going to get some further clarification.

Rosaline Wall: I think the one thing I would just emphasise is that we are very interested in advanced biofuels. That is something that we are really committed to, and £25 million for that is exactly to explore potential in this area. It is something that we are very much actively pursuing.

Dan Rogerson: But we have to make sure that they are cleaner as well. We do have to make sure that the evidence stacks up that they are.

Q270 Zac Goldsmith: I am talking about waste as opposed to primary.

Dan Rogerson: Yes, sure. We have to make sure that the emissions that come from them we are making face the tests that conventional fuels face as well to make sure that they would offer an improvement.

Q271 Chair: I am conscious that we have not quite exhausted all our questions. Perhaps if I just from the chair do three very quick ones. The first one is about public awareness. What priority are all three departments giving to giving advice to people, whether or not it is through the Met Office or advice to people in urban areas, when there are specific problems? We do not have time to get a detailed response, but how much is that on your radar?

Dan Rogerson: It is very much on the radar.

Mr Hayes: This is like one of those final questions in any meeting where everyone gets five seconds to say what you want for Christmas or what their favourite holiday was or something similar. I think you are right. As a department—I was speaking to our Permanent Secretary about this today, actually—we have slightly punched below our weight in terms of that public awareness issue. For example, in terms of our roads programme, I am now talking about how we can get better levels of public awareness. Part of that is the subject we have been talking about today and the relationship between that road investment strategy and all of the subjects that have been raised diligently by members of this Committee. My plan is for enhanced public awareness, a new marketing plan if you like, to get this material out more widely.

Q272 Chair: Is there the funding to go with that?

Mr Hayes: Yes, one of the things I asked for in respect of my job in the department was that we would roll out that kind of campaign. With the changes that were made to the Highways Agency it was absolutely necessary anyway, but I think it provides the opportunity, a catalyst if you like, for us to address public awareness in exactly the way you describe.

Q273 Chair: Would that extend to incentives for cycling and walking as well?

Mr Hayes: Well, you know that we are passionate about cycling. We will put into place all kinds of measures to encourage cycling, as we already have. I do cycle on my Royal Enfield bike, which is older than me by the way, with my young sons.

Chair: That is okay, we do not need to have all the details.

Mr Hayes: It is a wonderful image, as you no doubt were already thinking, Madam Chairman.

Q274 Chair: I am very proud of the cycle track near to where I live. Did you want to come in, Dan?

Dan Rogerson: Yes, certainly. This is an area we are taking forward. I mentioned earlier on about work with charities that focus on particular health conditions, for example, about using their networks to get messages across in a way that is helpful. People who might be at particular risk might want to take certain actions when there is an incidence of high levels of pollution that would affect people.

With regard to the other side to that, which is about how we can change behaviour and encourage people to think about what contribution they might be making to those issues, then that is very much something we are working with local authorities on as part of their strategy for taking it forward.

Mr Hayes has been very courteous about the good work of this Committee, and I think the way in which you are returning to it and, indeed, travelling around with monitors attached permanently as well and publicising that is very helpful. There is an elevated level of interest in this and that is something that we will continue because it is something that we need to work together to resolve.

Q275 Chair: Yes, and we certainly hope that our inquiry will be spurred by the fact that nearly all members of the Committee have been guinea pigs and have monitored air quality. I am sure that gives an added incentive to ourselves in terms of the understanding that we have of this issue. Just absolutely finally from me, various witnesses have suggested to us that there should be some kind of independent overall body. It could be an air quality commissioner. It could be enhanced powers for the Environment Agency to make sure that everybody shares this passion about improved air quality. Is that something that is being actively considered?

Dan Rogerson: Given the resources we have, we want to put them into solving the problem rather than setting up something else alongside it. I take the challenge; I think we both take the challenges that we need to make sure we are working across Government to address these issues, but I do not think we need another tier, another body distinct from that, to press forward on that.

Chair: Maybe our report when we finally publish it might be of some assistance in providing the pressure. I think that that brings us to the end of our questions this afternoon. Thank you very much indeed to the officials and both Ministers for coming along this afternoon. Thank you.