

Environment, Food and Rural Affairs Committee

Oral evidence: Air Quality, HC 897

Tuesday 13 December 2016

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[Watch the meeting](#)

Members present: Neil Parish (Chair); Chris Davies; Jim Fitzpatrick; Kerry McCarthy; Dr Paul Monaghan; Rebecca Pow; David Simpson; Angela Smith.

Questions 1 - 168

Witnesses

[I](#): Alan Andrews, Clean Air Project Lead, Client Earth; Shirley Rodrigues, Deputy Mayor of London, Energy and Environment.

[II](#): Dr Thérèse Coffey MP, Parliamentary Under-Secretary of State, Defra; Rt Hon Mr Hayes MP, Minister of State, Department for Transport.

Examination of witnesses

Witnesses: Alan Andrews and Shirley Rodrigues.

Q1 **Chair:** Good afternoon. Thank you very much for coming to our air quality panel. It is really good to have you here this afternoon. We have our debate on our air quality report on Thursday, so it is really an opportune moment to take very up-to-date evidence from you both. Shirley, could you first introduce yourself, please? Then I will ask Alan, and we will get on with the questions.

Shirley Rodrigues: My name is Shirley Rodrigues, deputy mayor for environment and energy in London.

Alan Andrews: My name is Alan Andrews. I am a lawyer and head of the air quality programme at ClientEarth.

Q2 **Chair:** Thank you very much. Alan, the first question is targeted particularly towards you. The High Court's judgment on 2 November was the second time the courts have ruled against the Government's plans for tackling air pollution. How confident are you that the Government will now develop legally compliant plans?

Alan Andrews: Reasonably confident. We have heard some moderately reassuring statements from the Government. We heard Theresa May say that more needed to be done in Prime Minister's Questions. They have not appealed the judgment and they have accepted the court's findings, which is a good sign, but we remain rather sceptical. We are concerned that they will continue to try to delay taking action and obfuscate in an effort to delay things until we leave the EU, at which point they might try to weaken the underlying legislation. That said, we are really hopeful that the Government have now had a change of heart and that we will finally put this five-year legal case behind us and start looking at the solutions.

Q3 **Chair:** We have Ministers coming in after you, so feel free to say what you want to say. This is your opportunity to get it on record, because the other part of the question that I have is: what will your input be to the development of new plans? Are you being asked for any input? How is it working?

Alan Andrews: We will engage with the process like any other stakeholder. We will provide responses to the consultation on the draft modified plans next year. We have lots of ideas on policy solutions and we will be happy to share and discuss those with Government.

Q4 **Chair:** You said in the answer to my first question that you are reasonably confident that the Government are taking action. Where do you feel the actions they are taking are not strong enough?

Alan Andrews: The most obvious area is on the clean air zones. That is their flagship policy. One of our criticisms of the old air quality plans was

the weakness of their vision of clean air zones. They were only being mandated for five cities. None of them were to restrict access for diesel cars, despite that being one of the main sources of pollution in most zones. Of course, the Government will now have to go back and revise all their modelling, based on realistic assumptions of emissions from diesel vehicles. We believe that will show that far more zones will be in noncompliance in 2020. In fact, they will have to model intervening years, so we think there will be even more zones in noncompliance in 2018. By the Government's own logic, they will have to introduce mandatory clean air zones, which charge vehicles if they do not meet minimum standards for air-pollution emissions. We think that will make a big difference and go a long way, but we want to see a range of complementary measures aimed at reducing emissions.

Q5 Chair: Those charges for cars that do not comply—in particular the older diesel engines and what have you—to the Clean Air Act will have to be fairly substantial. Otherwise, they will not necessarily stop people driving in.

Alan Andrews: Yes. Unfortunately, Defra has not given us much detail yet on what the level of the charge would be. All we know is, based on the clean air zone framework, which they have just finished a consultation on, that the charge will be set at a level designed to ensure that the limit values are achieved. We take from that that it will be at a high level, designed to discourage entry to the zone, rather than being more of a charge-based model.

Q6 Chair: Shirley, I take it, as far as the mayor is concerned, you very much support what ClientEarth are doing. What is the relationship, to be clear for the record?

Shirley Rodrigues: The mayor joined the ClientEarth case as an interested party in order to enable the case for London to be heard and for the impacts on London to be understood and presented in court to the judge, so that he was able to take that into account, along with the other input that Alan presented.

Q7 Chair: Alan, you made the point about the clean air zones in the central cities. I have a map in front of me here for the week of 29 November leading into December. Of course, there were really high levels of pollution because of the air conditions at that time, so it just shows how essential it is for more effort to be made particularly in those hotspots of the inner city.

Alan Andrews: Quite.

Q8 David Simpson: The High Court ruling requires the Government to put in place plans that meet the EU requirements in the shortest possible time. In your opinion and in your view, what is the shortest possible time?

Alan Andrews: I would take the same view that the court has taken, which is not to pluck a date out of thin air, but rather to ask the

Government what the shortest time possible is. That is not a flippant response at all.

David Simpson: No, I know, and I appreciate that.

Alan Andrews: What I mean by that is that the onus is very much on the Government to come forward with a plan setting out a full range of technically feasible measures that will be effective in reducing pollution and bringing forward the date for compliance.

Q9 **David Simpson:** In other words, the timescale is important but not that important. The important issue is to get it right.

Alan Andrews: Exactly. The important point is to get a range of measures in place that are effective and not to fixate on a date for compliance. One of the criticisms that the court levelled at the Government was for fixing on this compliance date of 2020 and then working back from there. That is the wrong approach. Instead, you start now, where we have widespread compliance across the UK, and then say: what measures can we introduce as soon as possible in order to bring forward the compliance date?

Q10 **David Simpson:** If the Government decide that it could be two years before they do so, that surely would not be acceptable to you.

Alan Andrews: They have to do a minimum amount of analysis. They have to rerun their models. They will have to undertake consultation with local authorities and stakeholders, particularly around clean air zones. We recognise that there needs to be a little bit of a lead-in time, but we think clean air zones in noncompliant cities by 2018 should be what they are aiming for, and that certainly seems to be the court's view as well.

Q11 **David Simpson:** What must the Government's plans include to satisfy you that the EU limits will be achieved within the timescale? What needs to be in that to please and satisfy your requirements?

Alan Andrews: First, we need the draft plans to provide all the necessary technical information. Fortunately, the court has required that; it has written that into the court order, so we should see all their workings out. That will allow us to really assess the plans are adequate and whether they are genuinely achieving compliance as soon as possible.

Q12 **David Simpson:** With the court's response on that, are you happy with everything the court has said or are there issues that they have missed out on?

Alan Andrews: By and large, this is everything we hoped for from the court judgment. It has given us clarity. It is the first time a court has ruled on this question of "as short as possible". We now have a much better legal understanding and much better legal certainty around the obligations that flow from that provision of the legislation, so we are very happy.

David Simpson: The court has given you an early Christmas box.

Alan Andrews: It has indeed. One other point I should mention is that the court has given us a provision called "liberty to apply". This means that, if there is any dispute over the content of the draft plans, we can go straight back to court and ask for further relief from the court.

- Q13 **Chris Davies:** Again to ClientEarth, how literally will you expect Ministers to interpret the court ruling that the Government should not have any regard to the costs in fixing the date for compliance or the route to achieving compliance?

Alan Andrews: The court judgment is relatively clear that it must be a pretty literal approach. The court has basically said there are three elements to the "as short as possible" requirement. The first is that you must adopt scientifically feasible measures. That makes sense. The court is not asking the Government to do the impossible but, if there are scientifically feasible measures that will be effective in reducing pollution, they have to take them.

- Q14 **Chris Davies:** What do you see those as? Can you give some examples of those scientific measures?

Alan Andrews: For example, electric buses are scientifically feasible. They work and there are sufficient numbers of them to be deployed in significant numbers to reduce pollution. That is one example. On the other hand, you could say that hydrogen cars, for example, are not scientifically feasible. There might be some prototypes out there, but they are not ready and proven to be effective in sufficient numbers to run. That is the line that I would draw.

If I can come back to two more issues around the "as soon as possible" requirement, the court was very clear on the proper role of cost in determining what measures should go into a plan. The primary objective must be achieving the limit values. Any questions of cost must be secondary to that primary aim, so that gives the Government a very useful steer on the approach they should take.

Finally, the court said that the measures must be proportionate. That does not mean that that is a question of cost and that you can take into account whether they are cost-beneficial or not; it is about making sure that the measures are no more than is needed and that they are targeted rather than being very extreme measures. The court gave the example of banning all vehicles from city centres immediately. That might be disproportionate, if you could achieve compliance with the limit values through a less restrictive means, for example clean air zones.

- Q15 **Chris Davies:** What about being selective? What about banning all diesel cars from central areas? Would you agree with that?

Alan Andrews: We would have to see what the evidence suggests. If they can achieve compliance through less restrictive means than banning diesel, then by all means they can do it. The difficulty is that, especially when it comes to diesel cars, the Euro 6 standard is not delivering

real-world emissions as it should. The Government needs to come forward with proposals in their plan for how they are going to address that problem. We need a range of measures to ensure that diesel cars are delivering those reductions on the road, not just in laboratory tests. We want to see a consumer label, so that car buyers know what they are buying, and a range of other measures such as fiscal policy and a targeted scrappage scheme, all aimed at ensuring that we get rid of the dirtier diesel vehicles and drivers.

Q16 **Chair:** Do you mean Euro 5 engines and before? Although Euro 6 diesels are not hitting their targets, they are still cleaner than the previous ones.

Alan Andrews: Yes. One of the big problems is that we have a large number of Euro 5 cars on the roads, which are exceeding the limit value by a huge margin when driving on the roads. The solution cannot be just to ignore that; we need to come up with a solution to make sure that those cars are not polluting our city centres. It is for the Government to come up with proposals, but we would certainly like to see, within the clean air zone framework and within other national measures, a drive to keep those most polluting diesel cars out of our towns and city centres.

Q17 **Chair:** Is that scrappage? What is it?

Alan Andrews: Certainly, scrappage needs to be one option that is given serious consideration. We would like to see a scrappage scheme that is targeted at people who have to drive into the clean air zone and means-tested, so that people on lower incomes receive higher subsidies for either switching to a cleaner vehicle or getting rid of their cars completely and subsidising public transport, car-club membership or even the purchase of a bicycle. California has implemented a similar scheme, where it gives grants of up to \$12,000 to lower-income families to switch to an electric car.

Chair: I was going to come in and make an interesting point on means testing, because one of the troubles with scrappage schemes in the past is that it is mainly those who can afford to scrap their cars who scrap them, and others are not able to. Carry on, Chris, because I tell you off.

Q18 **Chris Davies:** You are asking very good questions on my behalf. I must say I was expecting you to be a little stronger on this particular point, because I understand that several places on the continent—Paris being one of them—are looking to scrap diesel cars going into the city centres by 2025. My understanding is that your organisation thinks that is too long into the future, but you seem to be quite—forgive me for using the phrase—airy-fairy and relaxed towards it all, as long as it works.

Alan Andrews: I am sorry if I appeared airy-fairy in my answer. That was not my intention at all—quite the opposite. The law requires all scientifically feasible measures, so that requires a really serious improvement in the measures that are being considered. The reason that we as an organisation do not tend to go in for things like calling for a diesel ban by 2025 is that it is just a little too simplistic. With these things, the devil is always in the detail, so we tend to take a more

nuanced approach, which looks at the legal test and looks at the scientific evidence.

The legal test requires compliance as soon as possible and the deployment of effective measures; the scientific evidence is mixed. It shows that some diesel vehicles can deliver compliance on the road. The vast majority of diesel cars currently do not. That tells us that we need to look seriously at whether diesel bans might work and might deliver compliance, but also at whether there are less drastic measures that could achieve the same aim, and I have listed those already.

- Q19 **Chris Davies:** I can understand what you are saying but is it realistic? Your aims are your aims but are they realistic? Are they achievable? 2025 is not a long time off but, yet again, you are saying that that is too far off. I am somebody who went out a couple of months ago and bought a new diesel car. I am hoping to run that diesel car for several years yet and certainly not scrap it. The garage was trying to sell me diesel cars. We have had a culture over quite a period of time of going towards diesel. Are you being realistic in your aims?

Alan Andrews: Yes, I think we are being realistic because, when you look at the health impact of air pollution and at what the law requires, there is no alternative but to start taking action, particularly in relation to diesel cars but across all ranges of vehicle classes. In relation to your point about having recently bought a diesel car, that emphasises how important it is that Government come forward very quickly with a range of measures that send an immediate signal to the market that people should not be buying diesel cars unless they know that they are as clean as the manufacturers claim when driving on Britain's roads, not just in the laboratory tests.

- Q20 **Chair:** In this Budget, there was some positive action on electric cars, but there were no disincentives at all, as far as I could see, for diesel. I take Chris's point because many of us in this room, I suspect, drive diesel cars, but if the Government are going to be serious about changing people's philosophies, they have to give a carrot for people to move to electric or hybrids and, coupled with that, surely they have to start rowing down on some penalties for diesel, but we saw no sign of it. Were you disappointed by that or am I leading the witness?

Alan Andrews: No, I am not sure I could have put it better myself. We were disappointed not to see those sorts of measures introduced in the Budget. We have been calling for it for several years.

- Q21 **Chair:** Should you not be banging the table a little louder?

Alan Andrews: I am not sure we could bang any harder, to be honest. Taking the Government to the High Court is about as hard as you can bang.

- Q22 **Chair:** I suppose your argument was, naturally, you take the Government to the High Court because of the breaches of the Air Quality Act, and then it is for the Government to then come forward with those

proposals to sort it out. That is what you are really saying, is it not?

Alan Andrews: Ultimately, it is the Government's decision what measures to include in their plan. They can choose the route but not the destination, if you like. We have ideas on what those solutions should be. I have referred to some of them. We are continuing to work with lots of stakeholders—other NGOs, local authorities and industry—in developing workable policy solutions that we would be happy to share with Government.

- Q23 **Rebecca Pow:** I went to the Suzuki garage in my constituency at the weekend and, interestingly, as Mr Chairman has referred to, there was a tax incentive to encourage you to buy hybrid cars, so they are going to be no-tax shortly, but all the price rises because of Brexit have completely wiped out those gains. I just wondered if you have any comments about that, because it means, in trying to get the message across that we need to switch cars, we are up against even more. No matter what the Chancellor has done, they are still going to be more expensive, and this is because Brexit is coming into play, because Suzuki's cars are made in Europe and all the costs are going up. When we have that to fight as well, do you have any comments on it?

Alan Andrews: Brexit potentially makes the whole thing much more difficult for so many different reasons. In relation to the specific point about the price, all I would say is that it is really important that we make doing the right thing by air quality the easiest and cheapest thing to do. We need to make sure that there are clean alternatives to driving your dirty diesel car into the town centre. We need a major investment in clean public transport, as well as all these additional sticks and carrots that we have discussed.

- Q24 **Angela Smith:** Can I ask you to elaborate a little on that statement that you just made: that Brexit makes the whole thing a lot more difficult? Why?

Alan Andrews: I should caveat that. It potentially makes it a lot more difficult. At the moment, we do not know exactly what Brexit means and what form it will take.

Chair: I think we will leave it there. I do not want to wind up our other members here, because we have a long way to go on Brexit. We do not have enough time this afternoon to deal with it all.

- Q25 **Rebecca Pow:** Following on from my colleague, I specifically want to talk about London, so, Shirley Rodrigues, you might answer these questions. Does the High Court judgment mean that the mayor needs to change his air quality plans for London? I know he has already put more money in but does he need to look at them again, particularly, for example, accelerating the plans to pedestrianise Oxford Street, which at times, I believe, is the most polluted street on the globe?

Shirley Rodrigues: As Alan has pointed out, the onus is on the Government now to remodel and come forward with new air quality plans, so that means that, while we have published the TfL business plan,

we are in the midst of developing a new environment strategy for London, which will include what we are going to be doing on air quality. We cannot finalise that, really, or develop policies or a detailed strategy until we have that information, so we need that modelling to take that into account. Generally, the approach that we are taking in the TfL business plan, which is largely around encouraging modal shift—people using their cars less frequently, moving on to public transport and using active transportation such as walking and cycling, and cleaning up our bus fleets and our taxis—is still likely to be valid.

- Q26 **Rebecca Pow:** That is voluntary. You are hoping that people will just decide that that is a good thing to do and do it. The things that are you suggesting—encouraging people to walk, cycle and not use their cars—are voluntary, are they not? The mayor is not doing anything to encourage them to do that.

Shirley Rodrigues: The mayor is funding a series of infrastructure and approaches to encourage people to do that, coupled with his proposals to implement the emissions surcharge and the proposals for expanding and accelerating the introduction of the ultra-low emission zone. It is a combination of charges and incentives and making the alternatives available that we hope will help deal with the air quality and congestion problems in London.

- Q27 **Rebecca Pow:** The ultra-low emission zones are going to be brought forward to 2019. Is that still not a bit slow, given that we have all these startling statistics about deaths from air pollution and that London has some of the highest polluting areas in the world? It is going to be left for another three years.

Shirley Rodrigues: In recognition of that, as soon as he came into office, the mayor promoted the consultations that we have on the emissions surcharge and the ultra-low emission zone, saying that he wanted to bring it forward to 2019. That was before the ClientEarth court case, so we now have to wait to see what the government plans are, as Alan has pointed out. The onus is on the Government to set this out, and the mayor can then do what he can do. At the moment, he is leading by example where he can, but, as to what we can fully do, we have to wait for the information. We will take that and model it as part of a strategy.

- Q28 **Chair:** Have we not been waiting a rather a long time for all these things to happen? I know Government blame local government, and then local government blames Government, but in the end, when people walk out in the streets of London, they want something done about it. What are you doing about Oxford Street? It is absolutely packed full of cars. Why do you not get them out of there?

Shirley Rodrigues: The mayor is consulting on what to do on Oxford Street. He has already started looking at moving out the dirty buses on Oxford Street. He has to work within the powers that are available to him and he has to operate within the legal framework, which requires, for example, statutory consultations and taking into account people's views, whether they are ordinary Londoners or businesses. He is properly

taking those into account and, as soon as he has that information—the consultation ends in mid-December—we will be using it to develop our proposals for implementation going forward.

- Q29 **Chair:** Taking Oxford Street, as far as I am aware, you are not really supposed to go in there with a private car but, because there are various one-way entrances to Oxford Street, you sometimes go straight into Oxford Street, irrespective of whether you wanted to or not. These things have been going on for ages, under the previous mayor and now under you. I am not necessarily blaming you, but when is something going to happen?

Shirley Rodrigues: As I said before, something is happening already. We are working with the business improvement district there and Westminster City Council to determine what can be done to accelerate the clean-up of Oxford Street.

- Q30 **Rebecca Pow:** In the same vein, why has the mayor not proposed to ban diesel vehicles from the city centre? As far as I know, he has not done, yet they have already proposed that in Athens, Paris and Madrid.

Shirley Rodrigues: Because he believes that a combination of charges and incentives will get us as soon as possible, which is what we are trying to do.

- Q31 **Rebecca Pow:** We have already had charges, have we not?

Shirley Rodrigues: These are charges that are going to affect and take out the dirtiest and most polluting vehicles. The ultra-low emission zone is going to capture the dirtiest diesel vehicles and accelerate the turnover of the fleet, essentially. At the same time as also cleaning up, he has already announced that no more dirty diesel buses will be procured from 2018. He is looking to ensure that no more dirty diesel taxis are used from 2018. He is funding a scrappage scheme himself to take out the oldest taxis that are running around London at the moment. He is doing what he can do within his powers.

- Q32 **Rebecca Pow:** How does the scrappage scheme work for taxis?

Shirley Rodrigues: They will be given an amount of money—I think it is about £3,500—to decommission the taxi and no longer use it in London.

- Q33 **Rebecca Pow:** Would you not extend that to cars?

Shirley Rodrigues: We have asked for a national diesel scrappage scheme, because we believe that, while the Government's plans identified six clean air zones—the six cities that were the most affected—the ClientEarth case will bring many more cities into play, which essentially means that this is a nationwide problem. A diesel scrappage scheme, which we have been calling for, is all the more needed, now that this is recognised as a nationwide problem.

That might be coupled with a change to vehicle excise duty. We were just talking about the incentives to purchase diesel. Many people have been incentivised to buy diesel. We need to disincentivise those and

incentivise the take-up of clean vehicles. This is what we have been asking the Government to do.

Q34 **Rebecca Pow:** The GLA is investing £1 billion in new cycling facilities, which is very commendable, but that is only worth it if you can get people out of all these polluting cars; otherwise, people will be on their bikes, being polluted by the pollution that the vehicles are still spewing out.

Shirley Rodrigues: That is why we are implementing an accelerated and broader ultra-low emission zone, to clean up the fleet and clean up our buses, so that, as people are moving around London, they are not exposed to that air pollution.

Q35 **Chair:** The low emission zone on its own will be enough and you will not have to ban vehicles, like they have done in the major cities of Paris, Athens and Madrid. Is that what you are considering?

Shirley Rodrigues: We are waiting to see what the government remodelling is, in order to understand what the implications are for London. We can then assess whether the package of measures that the mayor announced last week is sufficient to get us to compliance in London.

Rebecca Pow: As far as I understand, the plan is coming out in July, so it is all going to take a long time. By the time the plans come out and you have looked at it and done a consultation, we are years away.

Q36 **Chair:** We have the Ministers here in a minute, so we can ask them about the remodelling. We rather fear that Government and local government may be playing each other off a little on this one. Would that be unfair?

Shirley Rodrigues: The Government have, in their statements, asked local authorities to tackle air quality issues. I cannot really speak for other local authorities, but the Mayor of London has said that he will do as much as he has the powers and the funding to do. He is doing what he can do at the moment. For example, on local air quality management measures, nationwide the Government have made £3 million available. That is clearly insufficient for the scale of the problem that we have, and it is not sufficient for what would be needed to tackle local air quality problems in London alone.

Q37 **Jim Fitzpatrick:** Ms Rodrigues, Mr Andrews, good afternoon. Apologies for having to pop out; I had to go and speak at another select committee briefly. I want to raise the particular question of the Thames, which, Shirley, will not be a surprise, because we have corresponded and, indeed, we have had one private conversation about the issue. You will not be surprised to hear that I want to raise the particular issue of the Enderby cruise terminal on the Thames, but generally the issue of emissions from the Thames. As the Chair said, we have the Minister for Shipping and the Minister for Air Quality coming in next, and I am very keen to hear if you have a view on emissions from shipping.

My question to the Ministers will be: who is in charge? At the risk of using a metaphor, it is a black hole. It does not seem to be shipping or air quality, and it does not seem to be the mayor or the GLA, yet there are emissions from vessels that, most times, are less than they would be. For example, the commercial haulage down the Thames is better than having more HGVs running on London's streets. We all want to see more commuters on the Thames and we love tourists bringing their money to London. In terms of the Enderby cruise terminal, you will know that I and other colleagues, including Matthew Pennycook from Greenwich, have been raising this wherever we can for quite some considerable time. How do the Thames and Enderby fit in to the latest legal developments and the discussions that you are having with Government about who has responsibility? For those of us looking from the outside, it looks as though nobody has the power to make any decisions in respect of this.

Shirley Rodrigues: You are right. The mayor does not have any power over the Thames or dealing with shipping or freight emissions. He has asked for those powers. In London, at the moment half of the emissions are from non-transport sources, such as shipping and construction machinery. That is a very significant amount. While the focus has been on transportation, the mayor has been asking for a 21st century Clean Air Act to give him the powers to enable him to regulate and enforce emissions around construction machinery and the Thames.

Q38 **Jim Fitzpatrick:** Has there been any response from Government yet?

Shirley Rodrigues: The conversation that we had with the Air Quality Minister was that they were not envisaging any primary legislation, which was a disappointment.

Q39 **Jim Fitzpatrick:** Mr Andrews, do you have a view on emissions from shipping? Is that featured in any of the modelling you have done or submissions that you have read?

Alan Andrews: No. The ClientEarth case was focused on the road transport question. It is really important that the revised plan looks at all the significant sources of pollution in each city. It certainly seemed to us that Defra took a far too crude approach, which basically said, "It is road transport, so we are not going to look at any of these other sources". From what Shirley has said and what we have seen from cities like Southampton, which has major emissions from shipping, there are other sources that need to be tackled. The whole idea of clean air zones needs to look at all those solutions, not just road transport.

Q40 **Angela Smith:** The High Court ruling made clear its view that the Government had erred in law by adopting too optimistic a model when it comes to measuring emissions, given the evidence from the European Union's laboratory tests that the real-world test was not being met. On that basis, what amendments need to be made to the models in order to address that criticism? This is to Mr Andrews.

Alan Andrews: Fortunately, about a week before the hearing, the emissions figures, which are known as the COPERT emission factors, were

revised, so we now have the official figures that they need to base their model on. Those show that early Euro 6 diesel cars were emitting something like six times the emission limit on the road. It started at five and then went to about six, and it is projecting a significant drop-off but not until about 2020. When they plug those figures into their model, it will show what we have been saying all along: that far more cities will be noncompliant by 2020. The idea really needs to be a national network of clean air zones in anything from 15 to 30 cities, depending on what the model shows.

Q41 Angela Smith: You are saying that the way of dealing with this, as far as Defra is concerned—I am talking about the modelling now, rather than the broader solutions—is merely a matter of feeding in the latest results and making sure that the models more accurately reflect them.

Alan Andrews: That is the first and most obvious step, but that alone does not correct all the deficiencies in the Defra model. The Defra model is what is called a PCM model, and it is quite a crude tool. It does not give you the granularity where you can really drill down to the local level and see what pollution is like on a detailed road-by-road basis. Defra needs to use its model, but it needs to look very closely at other sources of information and at local monitoring and modelling, and make sure that its modelling tallies with what is going on at the local level.

Q42 Angela Smith: Your opening remarks were really interesting, because we are very sceptical, if I may say so, in terms of your confidence in the Government's commitment to tackle this. If we leave the European Union in two years' time, how much harder do you think that will make it to ensure that the Government act on all of this? We are taking away one of the big sticks, are we not?

Alan Andrews: There are so many unknowns at this stage. The answer to that will really depend on whether it is a hard Brexit or a soft Brexit. If we join EFTA and become like Norway, we will still be bound by the Ambient Air Quality Directive. Norway, just last year, was found guilty by the EFTA court for breaching the directive. There is no doubt that, post Brexit, it will be harder to enforce some of these legal obligations, which is why we are very keen that, through the great repeal Bill, all existing legal architecture—

Q43 Chair: Sorry to interrupt you, but surely, if we do the great repeal Bill and that brings European legislation into British law, you will still pursue the case under the same laws that were there under European law.

Alan Andrews: Certainly, and that was my point, but we need to be really that we get the wholesale transfer of the legal framework, not just bits of it. There is no point in having the standards—

Q44 Chair: You think it will be tampered with on the way through, do you?

Alan Andrews: With the slip of a draftsman's pen, we might see some of the legal protections we currently enjoy disappear.

Chair: How cynical you are.

Angela Smith: The lawyers are already indicating this.

Alan Andrews: The point is that we might have the limits and the standards might transfer across, but, if we are denied the procedural mechanisms by which we can go to court and enforce them, they are of no use to anyone. That is why it is so critical that the current EU law framework transfers across in full, including all the case law of the European Court and all these procedural avenues by which we can take action before our national courts.

Q45 **Angela Smith:** This is really interesting. The so-called repeal Bill is going to be a critical staging post, in effect, to ensuring that we retain the ability to hold the Government to account on all this and the progress they make.

Alan Andrews: Absolutely, and we will be keeping a very close eye on that process. In the shorter term, we are focused on implementation of the new air quality plans. They have most of the policy levers that they need to deliver compliance; what they need to do is get on and deliver. The court judgment makes very clear that they need to take very swift action, so we want to see measures implemented in 2018. We want to see a national network of clean air zones by that date, so they will take effect and we will see the benefits of those measures before leaving the EU.

Q46 **Angela Smith:** Shirley, what verification process do you have to ensure the accuracy of the models the mayor uses in developing his plans on air quality in London?

Shirley Rodrigues: The mayor has a bespoke model called the London Atmospheric Emissions Inventory, which takes a lot of inputs on air quality sources from around London. We model that using previous emission factors but taking a much more conservative approach. We then verify some of that information—for example, around transportation—against real-world drive cycles for buses, say, in London, so that modelling mimics how a bus would operate in London: having to stop at bus stops, in traffic and so on. That combination of issues has meant that we have a granular and more detailed appreciation of what air quality is like in London and where the main roads that have hotspots are. We can certainly write to you with a bit more detail. I do not know the exact detail, but we can certainly write to you to follow up.

Q47 **Angela Smith:** The mayor has called for Volkswagen to pay back £2.5 million worth of congestion charges, because drivers of VW models have paid the lower charge for lesser-polluting vehicles. Of course, in practice, we now know that many of these vehicles will have emitted far larger quantities of pollutants than we originally thought. What has been the response of Volkswagen to Mayor Khan's call on that?

Shirley Rodrigues: The mayor has asked VW to recompense TfL for lost income, because those cars did not pay the congestion charge. The response has been that we are seeking a meeting, so we are seeking to meet, but there has been no indication that VW would recompense TfL for

that lost charging income. The mayor has also suggested that VW might like to contribute something towards the air quality provision in London—for example, helping our Healthy Routes to Schools programme—in recognition of the impact on health that those cars have had by driving around London and exposing people to air pollution.

Q48 **Angela Smith:** If the mayor is going to demand that from Volkswagen—or rather enter into negotiation or dialogue with Volkswagen along those lines—surely the same would have to be applied to other vehicle manufacturers whose vehicles have breached the limits.

Shirley Rodrigues: There are other manufacturers that used defeat devices and did the same, but the focus is on VW because it has admitted this and we had that very specific focus on the congestion charge.

Q49 **Angela Smith:** Why should Volkswagen play ball when other manufacturers have done exactly the same thing?

Shirley Rodrigues: Because it has admitted using those defeat devices. As you know, the European Commission is taking the UK Government to court for not exercising its powers as a type-approval authority. We are hoping that that would encourage VW to come forward with some action.

Angela Smith: Good luck on that one.

Q50 **Chair:** The Americans have sued Volkswagen for millions and millions of dollars, and we have seemed to do very little, really. You have all these other manufacturers that say that they can do 60 miles to the gallon, and then you have the true figures of 45 miles to the gallon. If all these manufacturers, including Volkswagen, are getting away with it, why are we not doing more? It is good of the mayor to invite Volkswagen for a cosy chat, but would it not be better if he said, “Right, Volkswagen, this is the figure we want. Cough up”? That is what America has done, rightly or wrongly.

Shirley Rodrigues: The Government are the type-approval authority and they have the powers to take forward investigations.

Q51 **Chair:** Do not worry; we will not be letting the Minister off the hook. I particularly want to ask what you are doing in the mayoral office about the congestion charge. What are you doing about all these things that, basically, Volkswagen have been let off the hook over?

Shirley Rodrigues: We do not want Volkswagen to be let off the hook, which is exactly why we are pursuing them for the lost income.

Q52 **Chair:** You invite them in for a chat. If they say, “No, we are not going to pay”, what will you do then?

Shirley Rodrigues: We will ask the Minister to take forward action, because they are the ones that have the power. The Government have the powers. The mayor does not have powers to mandate Volkswagen—

Q53 **Chair:** Not even on the unpaid congestion charge?

Shirley Rodrigues: No, as I understand it, but I would have to write to you. My understanding is no.

Chair: We will check that out with the Ministers in a minute.

- Q54 **Alan Andrews:** I would emphasise that it is really important for the Government to conduct a more thorough investigation into the Dieselgate scandal. The report we saw in April this year bore all the hallmarks of brushing the issue under the carpet. It concluded that other manufacturers were not using the same defeat device as VW, but we need to know whether the techniques and technologies they were using were legal. It is disturbing that one of the grounds for the Commission infringement action was that the Government had not disclosed to the Commission all the technical information that they had unearthed in their investigation. That raises some difficult questions for the Ministers: what do they know about how far the Dieselgate scandal goes and what are they going to do about it?

Chair: Thank you. It is duly noted. We have them here in a minute.

- Q55 **Dr Paul Monaghan:** Alan, as you know, the High Court has criticised the UK Government for giving insufficient consideration to the use of different classes of clean air zones. In your view, what type of clean air zones should the UK Government consider mandating?

Alan Andrews: I would just clarify one point: what the Court said, in terms of the classes of clean air zones, was that it would really depend on the modelling exercise. The Government must go away, redo their models and then assess what class of clean-air zone will deliver compliance as soon as possible. We think the starting position should be to assume that we will need a class D clean air zone in noncompliant zones, so that covers all vehicle classes, including cars. They should be assessing a range and doing a full impact assessment of all the different classes of clean-air zone to see when they will deliver compliance and the relative costs and benefits of each class of zone.

The critical point is that they need to address cars. It was clear from the 2015 plan and the information we saw that had led to the preparation of the plan that, right from the outset, the inclusion of cars within clean air zones was ruled out. That cannot be a correct legal approach. They must analyse and assess all the options that are there, including class D CAZs. It is not going to be popular. Charging people to drive their diesel car into towns will not be popular. That is why we need a range of complementary measures, so it is a balancing of the stick and the carrot.

- Q56 **Dr Paul Monaghan:** What are those complementary measures?

Alan Andrews: I have listed some: the targeted scrappage scheme; the reconfiguration of vehicle excise duty and company car tax; and action at the European level, so that the new Euro 6 real-driving emission requirements are stricter and do not give too much leeway to manufacturers. More funding for local authorities is critical. It is going to cost money to implement these clean air zones. It is essential that overstretched, underfunded local authorities are given a bit of help along

the way. At the moment, it still seems like central Government are trying to pass this problem down to the local-authority level.

Q57 **Dr Paul Monaghan:** Are there alternatives to mandating class D clean air zones everywhere?

Alan Andrews: Yes, there probably are alternatives, and we need a thorough and proper analysis of what those alternatives are and whether they will deliver compliance earlier than a class D CAZ.

Q58 **Dr Paul Monaghan:** What is ClientEarth's view?

Alan Andrews: Our view is that the starting assumption should be class D CAZs, but there should be a full and proper assessment by central Government, working with local authorities, analysing all the appropriate measures. Unfortunately, we do not have the analytical capacity to do that kind of work; it really requires significant expertise of the kind that the mayor and Transport for London have and an organisation like us does not.

Q59 **Dr Paul Monaghan:** Given that you do not have the expertise or the ability to conduct some of those scientific evaluations, is it appropriate to call for a blanket mandating of class D clean air zones?

Alan Andrews: What I said was that the Government need to analyse that and start their analysis on that basis, but they are, of course, open to look at alternatives. If there is a less restrictive, less draconian way of doing it, then they are free to do so.

Q60 **Dr Paul Monaghan:** Would you be accepting of that?

Alan Andrews: We would be accepting of any measure, provided it achieved compliance in the shortest time possible. To do that, they need to address all significant sources of pollution, including cars.

Q61 **Dr Paul Monaghan:** Indeed. I suppose what you are really saying, then, is that you are looking for an evidence-led approach to the improvement of the environment through the control of emissions.

Alan Andrews: Absolutely. At the moment, that is what we have not had so far. This was the court's key criticism of the 2015 plan: by taking the approach they had and fixing on this distant date of 2020, by not modelling the intervening years and by relying on outdated and unreliable projections of diesel emissions, the Government had denied themselves the evidence base on which to make proper decisions about what measures to include in the plan. We are hopeful that the new plan will contain the full evidence base, which we can then analyse to assess whether the measures achieve compliance as soon as possible.

Q62 **Dr Paul Monaghan:** From your perspective, what would an appropriate timescale be for that change in approach and re-evaluation of the data?

Alan Andrews: The court has laid down a very firm timetable. They must publish a draft plan by 24 April, which must be accompanied by all the technical information that allows us to make a proper assessment.

They must finalise that plan by the end of July, so they are on a pretty tight timetable and they have the court looking over their shoulder.

- Q63 **Dr Paul Monaghan:** Does ClientEarth feel that that is achievable? Should it be undertaken faster, or is it going to end up with half a job and will we be back at this again in a little while?

Alan Andrews: We have arrived at probably the right balance. The court, after the first judgment, invited both parties to agree on the exact terms of the order and the exact timetable, so we had a bit of toing and froing with Defra. We asked for a short timetable; they asked for longer. In the end, we have arrived at something that we think gives them adequate time, but not too much time, to do the proper analysis.

Chair: Sorry to interrupt, but can we speed the operation up? I have about 10 minutes more. We are going to be overrunning by 10 minutes, but we have two or three more questions, so if you do not mind we will keep going.

- Q64 **Dr Paul Monaghan:** You are optimistic then.

Alan Andrews: The other thing to say is that they have done a lot of the background work already. They have done a lot of the analysis. They have the clean air zone framework. They know what they have to do; they just need to get on and do it.

- Q65 **Dr Paul Monaghan:** It is achievable, then. Good. Thank you, Alan. Shirley, what action is the Mayor of London taking to address the High Court's criticism that plans to rely on a London ultra-low emission zone to meet pollution limits were flawed?

Shirley Rodrigues: My understanding was that the High Court judgment did not refer to the ultra-low emission zone, so I am not really clear. Alan, do you have any clarification on that? As I pointed out, it is a matter for the Government to work out the remodelling and then come forward with measures and actions that would deliver compliance in a timeframe as soon as possible.

- Q66 **Dr Paul Monaghan:** I accept that, but it is not just about the UK Government; it is also about the mayor's office. The mayor has placed an emphasis on the ultra-low emission zone. It has been criticised, so what is the mayor's office doing to address some of those criticisms that the High Court has levelled?

Shirley Rodrigues: As I said, I do not understand where that criticism has come from. Our reading is that the High Court judgment did not mention the ultra-low emission zone as an issue. It was focused solely on Government's approach to air quality modelling, their proposals for their air quality strategy and how to take that approach.

- Q67 **Dr Paul Monaghan:** Do you feel that the mayor's office emphasis on that ultra-low emission zone is appropriate and objective and will be taken forward without further criticism?

Shirley Rodrigues: The ultra-low emission zone is out for consultation at the moment. It is a non-statutory consultation following the election of the mayor, seeking Londoners' views on the proposals that we put out to bring the implementation forward to 2019 and to expand its reach. Depending on the consultation responses, the mayor will consider that and will proceed to a statutory consultation in due course. As I have said, we have not understood that there were any criticisms at the High Court of the ultra-low emission zone.

Alan Andrews: I think that is right. There were not any explicit criticisms of the mayor's plans within the judgment, but it is also true that the judgment puts pressure on the mayor. He needs to have another look at his plans and assess whether they achieve compliance in the shortest time possible. He cannot do the impossible and he cannot do things where he does not have powers, but those powers that he does have he needs to exercise to the fullest extent possible. He needs to have another look at the T-charge—this toxicity charge—and see if he can push further on that, and he needs to look at the ULEZ again.

One of the main criticisms of it—and this is not the mayor's fault—is that it is based on the Euro 6 standard. If the Euro 6 standard does not deliver, then the ULEZ will not deliver, so the mayor needs to work with national Government on ensuring that it does, by both pushing at the EU level and introducing measures at the local and national level.

Q68 **Dr Paul Monaghan:** Indeed. You have highlighted that you will be undertaking at least two consultations. What is your timescale for completion of those consultations?

Shirley Rodrigues: The consultation period ends in mid-December, and then we will assimilate those results. We are proposing to come out with the mayor's transport strategy and environment strategy drafts in 2017.

Q69 **Dr Paul Monaghan:** Will you be consulting on them?

Shirley Rodrigues: Yes, they are both drafts for consultation.

Q70 **Dr Paul Monaghan:** When will that process of consultation end?

Shirley Rodrigues: Towards the end of the year.

Chair: Towards the end of 2017?

Shirley Rodrigues: Yes.

Q71 **Dr Paul Monaghan:** When would you hope to start implementing the findings of all these consultations you will be undertaking?

Shirley Rodrigues: That depends on the consultation responses, because we need to take into account a number of factors. I cannot give you a date for when that is formally going to be implemented, but we have said that we would bring forward the implementation of the ultra-low emission zone to 2019—assuming all goes well with the consultations, that is what we are aiming for—and the emissions surcharge in 2017.

Chair: If we talk enough hot air, we will be able to solve this, but that is an awful lot of consultation and not much action.

Q72 **Dr Paul Monaghan:** From what you are saying, there is not going to be any action taken, it sounds to me, before 2020.

Shirley Rodrigues: No. If the consultation responses are assessed as being—

Q73 **Dr Paul Monaghan:** “If” is the key word there, is it not?

Shirley Rodrigues: We are required by statute to go through a series of consultations. The non-statutory consultation is not something the mayor had to do, but he wanted to seek Londoners’ views as to his approach in order to give him a firm basis for formally consulting on the scheme that would be implemented, both for the emissions surcharge and for the ultra-low emission zone. These are legal requirements that the mayor has to meet, so we are not trying to delay beyond those legal requirements.

We are absolutely clear. The mayor recognises this is a health emergency for London and wants to implement his package of measures as soon as possible. Where he can move as fast as possible, he is doing, as with the bus retrofit scheme and so on.

Chair: Thankfully, we have that down on record.

Q74 **Chris Davies:** We have already heard that there was great disappointment in the Autumn Statement, but how much impact are the Government’s schemes having on the numbers of people switching from diesel and petrol to less polluting electronic and hybrid vehicles?

Alan Andrews: I am afraid I do not have the information at my fingertips but I would like to see the modified plan, when it comes forward in April, clearly show how these sorts of policies and incentives are being targeted at the NO2-compliance problem. We would like to see all these incentives increased but also being more targeted at the air-quality problem.

Q75 **Chris Davies:** As far as provision is concerned, how much of the targeting should be coming from the London Assembly? If the London Assembly pays for charging points for hybrid vehicles or electric charging points, the Westminster Government can bring in stronger ideas, surely.

Alan Andrews: Certainly. The clean air zone framework that the Government are developing should have minimum standards for electric vehicle charging points to help incentivise the uptake of electric vehicles. Who pays for it is not really for me to say. Local authorities are certainly very overstretched, and we would like to see more assistance from central Government. Ultimately, the court does not care who pays for it, as long as it gets done.

Q76 **Chris Davies:** To you, Deputy Mayor, should you be responsible for paying for that?

Shirley Rodrigues: We would expect Government to make the powers and funding available for implementation. As I have already pointed out, for local air quality management UK-wide, £3 million is completely insufficient. We have, as the mayor, funded or announced a TfL business plan—the package of measures that we have talked about, such as low emissions zones, the T-charge and retrofitting buses—and over £875 million has been made available over the next five years in the business plan to help fund that. Further funding is needed, and we have been asking Government, for example, to fund a diesel scrappage scheme, which would help accelerate the movement away from dirty diesel to cleaner vehicles.

Q77 **Chris Davies:** The previous mayor had a legacy: the Boris bike. Are we looking here at a Sadiq station, which is a charging station? What we have heard from you, forgive me, has been more about consultation than charging and progression so far. Is this going to be one of his legacies: that you will electrify the whole of London and make it a much cleaner place?

Shirley Rodrigues: That is part of the business plan already, so we are working with local authorities, because we do not control all the roads in London, to roll out charging stations and super-charging or ultrafast charging stations. We are working, for example, with our own functional bodies—TfL, the police and so on—to site some of those charging stations and to make them more available. If we are going to move people out of diesels and into cleaner vehicles and electric vehicles, we need many more charging stations, we need incentives to get people into using cleaner vehicles, and we need disincentives, taking away the incentives for diesel and incentivising the take-up of cleaner vehicles.

Q78 **Chris Davies:** Do you recognise that you do not need to go to consultation on that?

Shirley Rodrigues: Yes, we are already doing that.

Kerry McCarthy: It is fair to point out that the previous mayors had eight years, whereas the current regime has had not even eight months, and the deputy mayor has not been in place that whole time.

Chair: We will give him time.

Q79 **Kerry McCarthy:** You have been talking about shifting from more polluting vehicles to less polluting vehicles, but what about a modal shift away from vehicles altogether—cycling and walking? What is being done on that front? In particular, if I could ask Shirley, some of that would be down at borough level, so what is being done to work with councils, and are there good examples in London of councils that are doing this?

Shirley Rodrigues: It is absolutely critical, in order to manage the traffic in London and to deal with health impacts, that we look to get people to use their cars less and only really for essential journeys, and move them into public transportation, cycling and walking. The mayor, again as part of the TfL business plan, has announced, in addition to the £875 million on air quality, a £770 million package of measures for improving cycling

in London. That is doubling what was being spent by the previous administration. It is going into a whole series of measures, which are both London-wide on strategic roads—some of the cycle superhighways—but also local measures at local authority level. The Mayor and Transport for London are working very closely with local authorities on these issues.

Q80 Kerry McCarthy: Do you think that concern about air quality is a deterrent to people wanting to cycle? Has that come up or is it mostly that people are scared of doing it or think it is inconvenient?

Shirley Rodrigues: My understanding is that it is more about making sure that people feel comfortable on the routes, which is partly the reason for the institution of cycle superhighways or even the routes behind, so that people who are less confident can find an alternative route to work or home. Air quality is a major consideration for anybody out in London, so we are working with Deputy Mayor Val Shawcross on a TfL programme called Healthy Streets, which looks at how you redesign the streetscape to make routes to schools, for example, conducive to people walking and cycling and enjoying the streetscape, essentially.

Q81 Chair: Thank you both very much for giving some very good evidence. We have the Ministers in now, straight after you, so we will be able to put some of the ideas and points that you have made directly to them. Thank you. It will make part of our evidence, so thank you very much for coming this afternoon to give us evidence, both to Alan and Shirley. Thank you very much.

Examination of witnesses

Witnesses: Dr Thérèse Coffey MP and Rt Hon Mr John Hayes MP.

Q82 Chair: Good afternoon, Ministers. I am very sorry to keep you waiting but we were taking some very good evidence from ClientEarth and from the Mayor of London's office. Of course, some of the points that they have made we may well be putting to both of you, so it is a great pleasure to have you both here. We are doing this session on air quality because, of course, the Government lost their second judgment in the High Court on 2 November, which ruled against the plans for tackling air pollution.

First of all, a very open question to both of you: how can you reassure the public that the Government take the threat of air pollution seriously? Who wants to start?

Mr Hayes: Ladies first.

Chair: You will be coming later, Mr Hayes. Do not worry.

Dr Coffey: Thank you, Mr Chairman. It is a pleasure to be here. As Defra is the lead Government Department on air quality, I think I can speak for all of Government in saying that, of course, we take this issue

very seriously. We have always been clear that we would update our plans with the best available evidence and we are expecting particular updates in regard to the transport elements, which are being processed right now. I would say that we have a good record of seeing improvements in air quality in time, but recognise the judgment of the High Court, so civil servants are beavering away and working through potential new options for us to consider, on which we will consult next year, in order to have an updated plan by July, as set out in the court judgment.

Q83 Chair: Why were the Government back in court for the second time, having not complied, considering that all these things were so much in place, Minister?

Dr Coffey: The Government, as you will be aware, prepared the plan, which they gave to the Commission by the end of 2015. As a consequence, we believed that, on the best available evidence, would make us compliant in a decent timeframe. As is the law of the land, people can challenge whether or not our interpretation was accurate or fully compliant, and the judge endorsed our proposals about clean air zones but wanted to see if we could not only update the plans in light of new evidence but also potentially do them more quickly.

Q84 Chair: Before bringing Mr Hayes in, is it not one of the problems that Defra has the brief on air quality and it can deal a little with agricultural pollution that may be coming off the land with nitrogen and suchlike, but most of the transport and planning issues, and all the issues that deal with the hotspots in the centres of our major cities, are not Defra? Can you reassure us in this Committee that Government are working seamlessly across Departments, because it does not really look like that from where we are sitting?

Dr Coffey: Earlier in the year, the Department for Transport and Defra set up the Joint Air Quality Unit. Defra set up its own Environment Analysis Unit in the last 12 months. We had our first inter-ministerial group recently, which was chaired by the Secretary of State for Business at BEIS, which included representatives from a number of Departments. John and I are standing members of that. Our Secretary of State, Andrea Leadsom, was there as well. It also includes people from Health and from Local Government, and it mattered to me that we brought these people together to make sure that we can make steady progress.

The joint letter that I did with Nicola Blackwood to the director for public health in every council is also a sign of us wanting to work together, recognising that national Government can do certain elements but we also need to work with our local government, as well as individuals, in coming forward with plans that are going to be effective at improving and continuing to improve air quality.

Q85 Chair: That is one of the problems also, if I could be so bold, because, naturally, we have local government in here who say they can do so much, but of course it needs to be led by central Government. That is

one of the problems, is it not? Are we not, instead of getting policies that are joined up, getting policies that are just not working? I should not really show this because you cannot really see it from here, but that was at the end of the November. That was during the weather where we had huge a massive area of pollution over London, which went on for nearly a week. We just cannot go on saying that it is a fault of somebody else. Is it the fault of Government or is it the fault of local government? What measures are you going to put in place to make it better, so that people can walk around the streets of London and not be breathing in very toxic fumes?

Dr Coffey: I think you will be aware that a significant amount of how pollutants are cleared is through wind. That was possibly the week when we had very still weather.

Q86 **Chair:** Yes, that is right. It was the week where we had strong frosts and low movement of air.

Dr Coffey: The Government signed up, through the 2020 Gothenburg Protocol, to our commitments for 2020. Through working with Europe, we have finally, after great work by Julie Girling from the European Parliament—one of your Conservative MEPs in the south west, who was the rapporteur—concluded the new directive, which I would point out that the UK signed up to. It was the first directive we signed up to after the referendum was taken, and that is a good indication of how we continue to be ambitious and work towards these plans.

Q87 **Chair:** It is very laudable that we are signing up to all these agreements but it is not quite so laudable that we are not meeting our targets and that we are in court because we are not. Perhaps I can bring Mr Hayes in now really to see what we are doing about transport and what we are doing about diesel engines. What on earth is going on here?

Mr Hayes: You have raised several things already, Chairman, and rightly so. CS Lewis said, "Failures, repeated failures, are finger posts on the road to achievement", so we should see the court case as a wake-up call.

Q88 **Chair:** Was the first court case not a wake-up call? Does it take two court cases to wake up?

Mr Hayes: No, but all Governments should start from the perspective that you can always do more and you can always do better. Governments, when they become arrogant and think they have done all that can be done, usually are not on the road to achievement but on the road to failure. Of course, you can do more, and you asked specifically about two things. You asked about working together. I am working with both *Dr Coffey*: and the Minister of State at BEIS, as the acronym is now pronounced, on a regular basis to compare how we can work together and collaborate to achieve our objectives. We have created this Joint Air Quality Unit, which is a Defra/DfT unit. We have worked through the Inter-Ministerial Group on Clean Growth that we described earlier.

We have made extra resources available to local authorities to deliver on the objectives that we have set, with £26 million committed since 2011.

I have the details here. We have established, of course, the clean air zone framework, as you know, and we have particularly focused on a series of cities, where we know there are profound issues of the kind you have described.

I am mindful of the fourth report of the 2015/16 session, where you argue for exactly that: more intergovernmental co-operation and collaboration; a structural means to deliver that, which we now have; more support for local authorities; and, as you amplified a moment ago, Chairman, a greater degree of direction from Government to local government about what it can do and how it should do it, and we have addressed that. We have responded in both those areas to your recommendations and we take them very seriously. Indeed, we take this whole issue very seriously.

Q89 **Chair:** I am very glad you have read the report, Mr Hayes; that is excellent. On local government, £3 million has been put forward for the clean air zones. Of course, you are talking about five cities. We could do with lots more. Do you really think that that is anywhere near enough funds? We are finding that, as you come in to tell us, "We are putting forward these funds", local government comes in and says, "It is nowhere near enough". In the meantime, there is still the problem with air quality.

Dr Coffey: What matters is that the fund is there. Over 100 councils have made a bid for that, and the cumulative amount is more than the £3 million figure that you cite. If we can come up with compelling cases, it is for us to go back to Treasury to say why we think that would be a good use of funding in order to make further local interventions. It is not a case of inaction.

Q90 **Chair:** You have had 100 councils applying and you have £3 million. That is £300,000 per council. I don't think it is going to go very far.

Dr Coffey: I do not think it is £300,000.

Chair: £30,000 in fact.

Dr Coffey: I am not saying that every council will be successful. Those applications are being evaluated and we have to do what we think is targeted and appropriate with taxpayers' money in order to address specific air quality challenges.

Q91 **Chair:** I still think, in national terms, it is a very small amount of money and it is a very big problem. We have been twice in the courts. In a minute we are going to start paying massive fines. It will be ridiculous if we get to the situation where we have not put enough resource in place to sort it and we land up paying fines to Europe, because that could happen even at this late stage of where we are.

Mr Hayes: That to some extent is why in the Autumn Statement we committed the extra £150 million for cleaner buses and taxis, which of course will have a profound effect on the localities that you are describing. There is £80 million to improve the electric vehicle charging

infrastructure, which is a real barrier to people committing to electric vehicles, certainly in my area, and I imagine your area is much the same. I have literally had someone come to my surgery saying, "I would buy an electric car but I cannot charge it anywhere except Peterborough, which is 25 miles away, unless I charge it at home, of course".

There is £20 million for the advanced renewable fuels demonstration competition, where we are looking at how we can stimulate and catalyse still more fresh thinking about how to address the issues you have described. There was a reflection in the Autumn Statement of the concern you have expressed, that there is a need for greater resource, but it is not as if we are not taking action. We are taking action. You asked at the very outset whether Government can do more, and I was very frank with you that Government can always do more.

Jim Fitzpatrick: Ministers, good afternoon. It is nice to see you both. I should point out that we have let the Chairman know that we remember he was your PPS, Minister, so he is not playing favourites this afternoon because we are watching him.

Mr Hayes: He has not shown any favouritism so far.

Q92 **Jim Fitzpatrick:** Can I explore this new joint committee? I have written to both of you, and probably spoken to you in the lobbies, about the Enderby cruise terminal in Greenwich. We raised this with the Deputy Mayor of London, Shirley Rodrigues, in the last evidence session and have corresponded and spoken to her as well. Shipping does not feature anywhere on any of the maps. There is nobody who has responsibility for it and the Enderby terminal, as you know, has been the subject of quite a bit of controversy. The vast majority of people support increased use of the river, if at all possible, whether it be for tourism, commerce, commuting or the cruise terminal, and that is pretty much a given. However, when it comes to the new cruise terminal, there is the prospect of cruise vessels being berthed there for 155 days of the year and having to use their diesel engines to power the ship because there is no requirement to provide a shore-to-ship power supply. Notwithstanding that the Government's port statement gave a clear indication that that was what you would like to see happen, there is no power to require the developers to include a shore-to-ship source.

Given that it is not a matter for the Department for Transport, Defra, the GLA or the PLA, this is an area of transport policy that escapes all the scrutiny and all the regulatory requirements of local government and central Government. Will it feature in this new joined-up committee? Will you be looking to bring forward new regulations to require Enderby and future cruise terminals, wherever they are found—because it is not just London; there is a big campaign in Southampton and it is becoming an issue in Liverpool—to provide a shore-to-ship power supply? At the moment, nobody has the power to require the developer to introduce it.

Mr Hayes: As you know, Greenwich Council looked at shore-to-ship power in exactly the way you describe and it was ruled out on the grounds that it was impractical, but you make a profound point.

Obviously I am familiar with this case and you had an adjournment debate on it as well in September, Jim. With your knowledge as the former Shipping Minister, as well as the chairman of the all-party group, you will take a keen interest in all these matters.

In a sense, this is a reflection of a bigger problem with ports: that sometimes we see ports and shipping too much in isolation and not as a holistic part of strategy. I want to do more about that. I want to make sure that, in all areas of transport, we are looking at the interconnectivity of what we do. The straightforward answer to your question is, yes, I am more than happy to bring that to the inter-ministerial group at its next meeting. This is an area that can easily fall between the cracks and there is a case for changing the assumptions that currently underpin what happens in respect of port development.

One of the things that Mr Fitzpatrick will know very well is that ports are extraordinarily dynamic. Immense movements take place at ports because they have to respond to very rapidly changing market conditions. Because of that, the goalposts can be moved very rapidly too in terms of some of the issues that you are considering today. We need a mechanism that is just as dynamic and fit for purpose as we would apply in other areas of transport and infrastructure development. It is not there now but we need to do it, and I am more than happy to take it to that group.

Q93 Jim Fitzpatrick: I am reassured by the Minister's comments that he is going to take it to the group. As to the Greenwich decision, in my understanding, the advice Greenwich got was that there was no locus for it to insist upon it and, in that instance, it could not require it, but the vast majority of cruise ships can be connected. This is the subject of some controversy, which is why we need somebody to get to grips with it. From what you have just said, can we look forward to this being an element of the report that you are looking to bring forward in conforming to the court's verdict for July this year?

Mr Hayes: We have both said publicly that we are going to bring a further report, because we have to, given the decision of the court that the Chairman mentioned at the outset, and I would be surprised if there was not an expectation that we addressed this issue. It would be very odd if we left this issue out. I will certainly take away what you have said and we will discuss it in the inter-ministerial group. I would certainly want to address this before the date you suggest.

Dr Coffey: If you remember, though, there was an environmental impact assessment done at the time and that was fairly clear in its outcome. Quite a lot of detailed work has already happened on that specific issue. At the end of the day, Greenwich Borough Council gave permission, having looked at that environmental impact assessment and considered it, and the mayor at the time chose not to call it in. It is not that it has not been considered in great depth.

Q94 Jim Fitzpatrick: With respect, Minister, a lot of water—excuse the pun—

has flowed under the bridge since the five-four decision of Greenwich, which was taken under some duress. It is quite clear that the Mayor of London did not have the power to call it in. Given the fact that the Government do not have the power to require Greenwich to review its decision and there is no way for it to be retrieved unless Government take some regulatory or legislative action to enforce that which it has as its port policy guidance—that there should be shore-to-ship power supply—it is really down to Government to rectify this situation.

Dr Coffey: Yet the borough council voted for it.

Jim Fitzpatrick: I am very grateful that the Minister of State for Shipping has said that he will bring it to the joint committee and discuss it.

Q95 **Chair:** Minister, you are being slightly disingenuous.

Dr Coffey: Why am I being disingenuous? The borough council voted for it.

Chair: I think you have been through local government—I certainly have—and, if a planning officer sits in front of you and says, “If you hold up that application because you insist upon having electric supply to all the cruise ships that come in, you could be taken to court, taken for costs and you cannot do it”, then it is a no-brainer. You have all these cruise ships coming into London and they have to keep their engines running in order to get power. Is this logical in the 21st century? It is not.

In a way, you have played exactly into our hands from my opening statement because you said quite clearly that you are not playing one against the other. This is a case where, if we all worked together, we could deliver the electric supply.

Dr Coffey: I am not playing into your hands. I am trying to say that the evidence was assessed during the environmental impact assessment. The councillors will have taken that into account in their decision. That is what I am trying to get back to: evidence and assessment. I would suggest that that is what we need to keep focus on.

Q96 **Chair:** If you drill down on the way that the decision was made, you will find that it was not made on the environmental situation. It was on other economic considerations.

Q97 **Jim Fitzpatrick:** The equally important point is that this ought not to be Greenwich’s decision. This is not a decision that just affects Greenwich. It affects Tower Hamlets, which is my side of the river; it affects all the surrounding boroughs. It affects the whole of London. This is a London-wide issue. There is no London power. Therefore, there is a gap in the legislation to protect London, because the mayor cannot call it in and cannot deal with it. To say, with the greatest respect, Minister, that Greenwich has made the decision is an abdication of your responsibility as a Minister for the air quality of the UK, where tens of thousands of people are dying prematurely because of poor air quality. To sit there and say, “Greenwich has made its decision” is an insult to the people of

London, if you will allow me.

Dr Coffey: It is not an insult to the people of London; it is stating a fact. It is stating a fact that the environmental impact assessment was looked at and considered. I am just trying to say that we have to keep focused on evidence, research and the scientific elements of that. That is why, going forward, we have to make sure that air quality plans are produced on the basis of them being effective.

Q98 **Chair:** Minister, we have been in court twice now and we have very poor air quality. Bringing all these cruise ships into London and allowing their engines to run rather than have an electric supply is going to improve the air quality in London, is it?

Dr Coffey: I would say that the council looked at that assessment.

Q99 **Chair:** Unless we all work together, from local government through to everything that happens in the transport system, we are all going to be sitting here in two or three years' time still with the air quality very poor and still with people having premature death because of it, and I just do not feel that we are pulling together on it. It is no good to quote local decisions in order to opt out of responsibility.

Dr Coffey: I would be surprised that you would want to accuse a council of opting out of local responsibility when it makes difficult decisions.

Chair: I am not accusing the council, with respect.

Dr Coffey: I would suggest, Mr Chairman, that the whole point is, yes, we have national and international commitments, but we have to do this on the basis of local solutions. Something that may or may not be appropriate for Greenwich may be appropriate elsewhere. It is about targeted interventions devised by local communities. That is how you will get long-lasting change.

Q100 **Chair:** If you are going to tackle air quality in this country, you have to tackle it from every direction possible; otherwise you are not going to get to these standards. That is why we miss an opportunity here. I hope, from the conversation that we have had with Mr Hayes, that he will take that up and see what can be done, even at this stage.

Mr Hayes: I am reluctant to go up a tributary, Chairman—I emphasise the wit there—but you will remember that the claim made by the residents in the case that has been brought to our attention was that the ships, when they came in and moored, were leaving their engines running and that this was likely to cause, particularly, nitrogen dioxide emissions. Now, I took a look at this, because I thought you might raise it. I was mindful of the adjournment debate, the case in Greenwich and all the rest of it. Local air quality management guidance in relation to ships is that the relevant pollutant is considered to be sulphur dioxide. There is no requirement to consider nitrogen dioxide pollution from ships unless more than 5,000 ship movements take place annually.

That is something that I want to draw to the attention of this inter-ministerial group, at the very least, but the bigger point that you are making in this Committee relates to the one I made about looking at this thing in the round, taking into account all the things that happen at ports and with shipping and seeing them in a similar way that we would see buses, taxis, cars or other vehicles. At the moment, we see shipping as quite separate.

I do not want to go down a tributary off a tributary, whatever that is called, but the point I made to Mr Fitzpatrick was that, too often, we do not see ports policy and shipping policy in that holistic way. I want to do it more. This is a really good example of how we can do that.

Chair: As far as I can see, the problem with the science of air quality is that, if you take an average of what these ships would come in with and the atmospheric conditions over a year, they would probably say that they do not add a great deal of pollution to the overall air quality. However, if these ships come in on a week, like there was at the end of November, when there is very little wind and pollution is not rising up into the atmosphere, then they have undue influence on the quality of air. That is why we really need to drill down on all of it.

Q101 **Angela Smith:** I had better behave myself, I suppose. Can I ask both of you how you are re-assessing your plans to cut the NO_x and NO₂ emissions in light of the judge's comments that the Government should not have any regard to cost when fixing the compliant date or determining the route for achieving compliance?

Mr Hayes: Any Government that took no account of cost or cost-effectiveness would not only be called to order by committees like this one, but would be challenged robustly on the Floor of the House and soon become extremely unpopular with the people they represented. Of course Government must take account of cost and cost-effectiveness, whatever the judge may have said. No Government would ever commit to an open chequebook regarding any area of policy, as you well know, Angela.

I will say this: nothing is off the table. Where we can, and must, take a lead from what the judge has said is to say that we have to start thinking about things that we had not previously considered. We need to go to places that we had not previously considered going. The conversation that I am having across Government is that what we have been doing up until now has not been sufficient to persuade the court, which means that we need to do more.

Q102 **Angela Smith:** Can I test you on that, Minister? Let us take examples of things you may like to think about doing that you have not thought about doing before, such as banning diesel cars from city centres or introducing a diesel scrappage scheme.

Mr Hayes: There are two ways of promoting low-emission vehicles, including electric vehicles. One is to make high-emission vehicles

unattractive, and the other is to make low-emissions vehicles more attractive. The two things are not mutually exclusive, by the way.

Angela Smith: The two examples I gave were examples of both of those ways forward.

Mr Hayes: They were. You are right that, in order to encourage people to make choices that will lead to where we want to be in respect of the destination on emissions, we need to make electric vehicles, for example, much more attractive. That is partly about cost, which is why some of the figures I read out earlier matter. It is partly about infrastructure, which is why the charging points point I made matters. It is partly about battery technology and battery life, which is why that matters.

Simultaneously, given the concerns about nitrous oxide, we could make diesel vehicles in particular less attractive. Nothing is off the table and we are considering all those things.

Q103 **Angela Smith:** So a diesel scrappage scheme is not off the table.

Mr Hayes: The problem with the scrappage scheme is that it is, as you know, notwithstanding your first remark, extremely costly.

Dr Coffey: It is not particularly targeted either.

Mr Hayes: I would add two things, if I may. You may think that this is provocative, Chairman, but we are not here to pat each other on the back, are we? In an area like the one that the Chairman represents or that I represent, the ability to access a private vehicle, in parishes where only half have bus services, is critically important to quality of life and access to opportunity. I am not going to be a Minister who penalises working people who want to run a car because, if they did not run a car, their lives would be altogether poorer, since cars would then become what they once were: the luxury of those few who could afford to buy and run them.

Secondly, in respect of diesel and what we do about it, you will know that successive Governments took the view, not very long ago, that diesel was rather a good thing and petrol was rather a bad thing. We put into place all kinds of fiscal mechanisms to encourage people to buy diesel cars. Are we really going to say to those same people, "We told you that you were doing the right thing but now we are really going to penalise you"? We have to be very careful how we proceed with this, because it could be inequitable and unreasonable.

Q104 **Chair:** Thérèse Coffey raised the issue that we have to take our evidence on a scientific basis. The problem we have with diesels is that the scientific basis of what we have been judging was carbon before and now it is nitrous oxide, and we have to deal with diesels, however unpalatable it may be. This shows no desire of Government to do it. You should be changing the taxation away from diesels towards hybrids and petrols.

Mr Hayes: You are right, of course, that the prevailing view of the relative damage done by petrol and diesel has changed because our

understanding of the science has changed. Angela is making a point about the existing diesel fleet. You are certainly right that we want to discourage people from investing in diesel. New cars need to be as clean as they can be.

Q105 **Chair:** There is no sign of that in the taxation.

Mr Hayes: A scrappage system would be immensely costly because, to encourage people to scrap their existing cars, the scheme would have to be extremely generous. I am not sure that it is a place that we can go yet. Nothing is ruled out, and I am not ruling it out, but I do not want to give you a blithe, easy answer that we will get rid of all the diesels, they are all going to go, we will have a national scheme and all the rest of it when I do not necessarily think we will.

Q106 **Angela Smith:** The impression I get, Minister, is that there is no conclusion drawn in terms of this equation or this balance between economic benefit and cost in terms of compliance. Everything is on the table, but you are very alert to the possibility that you could penalise drivers unwittingly in a way that is unfair. I get that, but Departments must have already done some work on identifying the potential additional cost that could accrue if we were to move to compliance in the shortest possible time. Can you tell us what the indication is? What is the potential cost?

Mr Hayes: I can give you a categoric answer: yes, work of that kind is underway; yes, we appreciate that we have to respond to what the court said; yes, we will deal with that when we publish our response in the summer.

Q107 **Angela Smith:** What is the indication so far? Work is being done and everything is on the table. I do not get the impression, Minister, that things are moving very quickly, considering the court said that this had to be done in the shortest possible time.

Mr Hayes: You have set out the dilemma. How do you marry the three objectives? You have to do something that is cost-effective. You will notice that, when I talked earlier about Governments per se, I talked about cost and cost-effectiveness. How do you do something cost-effective that delivers the objectives on emissions that you want to deliver and does not unfairly penalise individuals and their families? Those are the three things that we are juggling.

Q108 **Angela Smith:** Does cost-effectiveness also include the possibility of significant fines being levied against the Government if this is not handled quickly enough?

Mr Hayes: Yes, that is part of our cost calculation. That is why we are going to do it in the summer.

Q109 **Angela Smith:** You are mindful of that.

Mr Hayes: Very.

Q110 **Angela Smith:** The Government will avoid those fines being levied.

Mr Hayes: That is our objective. That is our aim.

Q111 **Angela Smith:** Finally, I will come to the point about the big stick here, which is the legislation that we have on the table from the European Union. We heard from previous witnesses that the repeal Bill will be really important in all of this and that it will be really important not only to have all the European Union directives and regulations translated onto the UK statute book, but to have case law relating to those regulations and directives transferred into UK law. Is the intention of the Government to do that and to show, in that sense, a real commitment to continuing on this road towards compliance?

Mr Hayes: It would not be appropriate for me to debate what the Government are going to do post the great repeal Bill.

Q112 **Angela Smith:** No, I am talking about the lead-up to the repeal Bill. Is it the intention of the Government to ensure that all the commitments that we currently have in relation to this really important issue are going to remain on our own statute book, so that the Government remain committed to dealing with the problem?

Mr Hayes: I was going to add a suffix, which is: it is inconceivable that we would not want to continue down the road that we have already gone down in terms of policies in this area. You are right to say that, even were we not a member of the European Union now, and when we are no longer a member of the European Union, the idea that we would take our foot off the pedal in respect of the environment, emissions and the regulatory framework around them would be fanciful. We are certainly not going to do that.

Q113 **Angela Smith:** Dr Coffey, the assumption is that all those regulations, directives and case law will go on to the statute book.

Dr Coffey: I am not aware of the elements concerning case law. I am clear that the great repeal Bill is about operability and the Prime Minister has been clear that we will bring into domestic UK law, or into whichever appropriate legal jurisdiction, whatever we have currently there. We expect to transpose the National Emission Ceilings Directive into UK law in due course as well. It was only agreed last month, finally, at the European Parliament. That process will happen.

Mr Hayes: The goals that we set out to leave the environment in a better place than we found it and in terms of how we would deal with air and water were not about the European Union. They were about our Houses of Parliament and our Government being very clear about their agenda; and that agenda will not change.

Dr Coffey: One of the reasons to try to regulate across the European Union is because a lot of pollution is cross-boundary. That is why we have gone further and supported the EU's targets for 2030. That still stands.

Q114 **Chair:** Would both of you Ministers accept that the fact that so many people are affected by bad air quality, especially in our city centres,

irrespective of where the legislation is coming from, means that Government and local authority can be expected to do much more?

Dr Coffey: That is why we three stood on a manifesto about investing in clearer air and water, very specifically.

Mr Hayes: I totally agree; you have put it in a nutshell. This is about the health and wellbeing of our people and our children. I do not want my children breathing in particulate material that is injurious to their health. We were looking at these figures in the inter-ministerial group. We know that those who live in certain parts of our country where air quality is the worst have a measurably diminished quality of health. You can measure it in terms of life expectancy or in terms of deaths per year. I am not suggesting that you can go to a hospital and find people on whose death certificates is written, "This person died because of air quality". However, if you have respiratory problems anyway, this is a major contributory factor.

Q115 **Angela Smith:** It is certainly a contributory factor. I absolutely felt the impact of the weather the other week here in London. From what both Ministers have said, and particularly from what John has just said, I can take it that you will be putting your shoulders to the wheel and working as hard as possible to come up with, as soon as possible, a firm plan for delivering compliance in the shortest possible time. How quickly can we expect this to happen? If it is as important as the Minister has just suggested, and people's health depends on it to some extent, then surely there is an urgency here in terms of coming up with not just some platitudes that we are looking at everything, everything is on the table and we are looking at cost-effectiveness, but rather some concrete proposals for dealing with the problem.

Dr Thérèse Coffey: Clean air zones were endorsed by the judge and, indeed, by your Committee as a way forward. The framework consultation closed just very recently. That is being considered. Now there are responses to that and we intend to propose in the new year, as we have already laid out, at least our five cities that we will require to have clean air zones. I have already been to visit Derby in that regard. I have had conversations elsewhere. I also met Steve Rotherham and Deputy Mayor Ann O'Byrne in Liverpool on 2 December in order to discuss some of the things that they are doing. This is about trying to work with councils to think about how we can improve air quality.

Q116 **Angela Smith:** The question was: when are you going to come forward with concrete proposals as a result of the work you are doing in the joint committee? This is about the Government's response. I accept that you have to work with local government but, in the end, it is central Government that will have to respond.

Dr Coffey: That is right, and the timetable has been laid out. We are required to start our consultation and to have that ready by 24 April, and to have the plan in place by 2017. It will require local action as well, in order to deliver the outcomes for the citizens that we all represent.

Q117 **Chair:** You accept that Government will need to lead.

Dr Coffey: Yes. This will require multiple leaders. It will require an element of bravery, perhaps. I am not going to name them, but one or two councils have been less reluctant to get on with their consultation being developed for the clean air zones. It is about coaxing and encouraging. Councils already have the power to do this if they wish.

Mr Hayes: You have been very specific in your questions and I am trying to be very specific in my answer. We are going to develop a new air quality plan, as you know, and we are going to put a draft in place in spring and finalise that during the summer. The question you are really asking is: will that contain broad statements of intent or specific measures? The commitment I give you is that it will contain specific additional measures.

Q118 **Chair:** I want to go on to vehicle emissions modelling with the next question. Why did the Government use models that they knew were based on underestimates of vehicle emissions when they devised their air pollution plans? In the judgment, the judge noted that not only had officials been aware of the emerging evidence, but it had reached as far as Cabinet. He said that a Cabinet briefing document on air quality, apparently dated October 2015, noted that significantly higher Euro 6 emissions would suggest that 23 UK zones would not be compliant with EU NO2 rules. This is for diesel cars. Why were these models not brought up to date?

Dr Coffey: I am reliably informed that we update our models with the best evidence that we have at the time. We had been pressing for updated factors. Those eventually came through and we started the process of updating our model.

Q119 **Chair:** The judge had this evidence. He is saying that it had reached as far as the Cabinet level in 2015, and yet we did not alter the air quality rules. Why was that? I know it is before your time, but we have to drill down on why more action was not taken, why we are going back to court all the time and why we are losing.

Dr Coffey: I do not know about that specific briefing, but I know that the Government came forward with a plan by the end of December 2015. As I say, we were waiting and pressing for additional factors, which would then have updated that. We now have that information and we are churning the handle. I am genuinely not sure I can add any more information to that.

Q120 **Chair:** We appear to be playing catch up all the time and we just do not seem to be tackling the air quality as it is happening. I want to bring in Mr Hayes now, on Volkswagen and the fact that their vehicles were emitting more pollution than they were stating and they had altered the software in order to make sure that the wrong figure came out. There has been huge criticism of the Department for Transport's "ambivalence towards assessing the legality of Volkswagen's use of defeat device software despite its condemnation of Volkswagen's actions to us and in

the media. The Department for Transport was too slow to assess the use of its powers under the Road Vehicles (Approval) Regulations 2009 to prosecute Volkswagen for its deception”.

Now, to cap it all, it looks like the EU Commission might take a case against us, the Government of this country, because we have not taken enough action against Volkswagen. You could not make this up even if you tried.

Mr Hayes: Several things have happened since the emissions scandal broke in September 2015 in respect of Volkswagen. First, we assessed the scale of the issue, investigated what went wrong and pressed Volkswagen to put in place a technical solution for all the existing car owners. The important thing was to get all the people who bought Volkswagen cars in a place where there was a technical fix. I meet Volkswagen regularly to press them to make sure that technical fix is being rolled out. It is being rolled out and, as far as the consumers are concerned, I do not want to put anybody in a position where they are driving a car that they thought was within the regulations and turns out not to be.

Secondly, we had to do a serious piece of work to test a range of other vehicles, not just Volkswagen vehicles, and see what they were doing in respect of emissions. We completed that work, as you will know, Chairman, but my strong view is that Volkswagen should pay for it. I have told them that.

Q121 **Chair:** What are we doing about making them pay for it?

Mr Hayes: I have issued an invoice to them and I expect them to pay it promptly. I ideally want it before Christmas. I shall certainly have it by January.

Q122 **Chair:** This is interesting, Mr Hayes. What does the invoice include? What are you charging them for?

Mr Hayes: Essentially, after the VW emissions fix—I say “fix”, but I really mean “fiddle” because they really do fiddle with the tests—it became clear was that we would need to do a piece of work to test a whole range of other vehicles, to make sure that other manufacturers had not been engaged in the same thing, so to retest, as it were, vehicles across the piece. That was a very extensive and elaborate enterprise. Why should the taxpayer fund that? VW should fund that. I made that clear to them. They have not, frankly, put up much of a defence against my claim and, as a result, I have issued them with an invoice for those costs.

Q123 **Chair:** Why is the EU taking action against the UK Government? They obviously do not believe that you—not you personally, but the Government—have not done enough.

Mr Hayes: There are some other issues here, aren’t there? There is an issue of getting the technical solution right for existing car drivers, and I pushed Volkswagen hard on that. There is the issue of the real cost to Government of dealing with this, and I have been very clear about that

and sent them an invoice, as I said, which I expect to be paid. There is an issue going forward about whether people who have now had this fix and who buy Volkswagen cars should be issued with a different kind of warranty. I have argued very strongly that that should be part of the package too. I am still in negotiation with Volkswagen on that, but I am an extremely fierce negotiator, as I told them when I met them. I am determined to do the best by British citizens who were buying Volkswagens under false pretences. That is what it boils down to. It is completely unacceptable. Volkswagen know they have behaved very badly. They are not denying that they were in the wrong. They have said that publicly and to me privately, and it is now up to them to make up for what they have done. That is why I have been so tough on them.

As far as the EU is concerned, we continue to discuss this with our continental friends. We used to call them "partners" when we were in the EU, but I prefer to call them "continental friends" now. We are still in it and I know we are still in it. We will not be for long, thank goodness. They have similar issues, of course, because the Germans are very anxious and concerned about this. VW is a big business for them. I have not ruled out taking legal action, by the way. I have not ruled it out. I am still considering that. It is not straightforward, for all kinds of reasons that you will understand, Chairman. If Volkswagen do not satisfy me, I have told them that I have not ruled out taking further action. We may investigate it ourselves and we may take further action.

Q124 **Chair:** If you have been sold a new diesel vehicle that did not meet the pollution levels that it was said to produce and then you drive into a low emission zone, you are basically being charged less than you should be for that vehicle. Of course, the previous witnesses here from the GLA said that Volkswagen also owe them a great deal of money for the extra pollution charges that should have been paid by those cars, because they were emitting higher levels of pollution than the manufacturers were saying. Are you also pursuing that?

Mr Hayes: That is an interesting suggestion. I would have to test whether that would stand up as a legal argument, and I do not know the answer to that question, frankly. I am prepared to go away and seek further advice on it.

Can I just deal with the fundamental result of this? We really have to move very quickly to real driving tests, because of course you will remember that there is a significant difference between a test that is done based on laboratory conditions and a real driving test. We have secured a tough new real driving emission test in the EU legislation. From next year, vehicles will have to meet emission limits in real driving conditions, across a wide range of operating conditions. We want to ensure, further to your question, that those tests deliver real, measurable outcomes, not a paper exercise that could be subject to the kind of trickery that we have seen previously.

Q125 **Chair:** If you buy *What Car?* or any other car magazine, you will often see that it says, "This car will do 68 miles to the gallon—manufacturer's

recommendation; the true government figure is 45", so what on earth is happening? Why are these manufacturers—not just Volkswagen; they are all doing it—able to state that their vehicle will do 68 or 70 miles to the gallon when the true figure is only 45? Surely, even under trade description, they are acting illegally. Why is the Government Department for Transport not doing more there?

Mr Hayes: When I met my wife, I promised her a life of endless bliss.

Chair: Has she not had endless bliss?

Mr Hayes: While I am happily married and we have a lovely time, I cannot say that every single moment has been blissful.

Q126 **Chair:** Minister, if I have a beef animal, and I say it is 600 kilos but it turns out to be only 450 kilos—it is the same principle—I could not sell that animal as a 600 kilo animal. Why on earth should a manufacturer supply a car that does 70 miles to the gallon when, in true figures, it does 45 miles to the gallon? It is not right.

Mr Hayes: I would not have the temerity to challenge you on any matter concerning livestock, given your knowledge and experience.

Q127 **Chair:** The principle is the same.

Mr Hayes: I will say this: we work very regularly with the Society of Motor Manufacturers and Traders. I was with them yesterday. The point of principle that you made is absolutely right: people should not be buying things on one basis and finding that, when they get them, they are operating on an entirely different basis. That is true in general terms about cars, as you have suggested, and it is particularly salient in respect of emissions, which is why we have to get empirical information based on real tests in robust conditions that will stand up and that people can trust.

Q128 **Chair:** When are we going to be at that stage, then?

Mr Hayes: As you know, next year we move to the real driving test that I have described, and that will change the circumstances that you have set out.

Q129 **Chair:** When you say "next year", do you mean the beginning of the year, the end of the year, sometime, never?

Mr Hayes: Well before the end and sometime after the beginning.

Chair: That is the best phrase to date, I think.

Q130 **David Simpson:** It is good sometimes to have a bit of humour; it breaks the monotony. Ministers, the court criticised the Government for relying on clear air zones to meet the EU limits and for giving insufficient consideration to using different classes of zones. What changes will you make to your clean air zone plans to address the criticism?

Dr Coffey: I was under the impression—perhaps I was overoptimistic—that the judge thought that clean air zones were rather good but,

recognising, as I hope, that we will have a menu of options, councils can think together about their local communities and what will work well to see which areas are going to be particularly affected. Our indicative early modelling indicates that there will be more towns and cities requiring further intervention in a specific way. It is not about thinking solely about clean air zones but other options that may be available.

Q131 **David Simpson:** You spoke about the figures coming up and identifying certain areas. Would it be your intention to require cities to charge cars that do not meet the emission standards to drive in the most polluted areas?

Dr Coffey: As was said earlier, nothing is off the table. Options are being worked up, as are the likely impacts of those different options. I cannot give you a definitive answer to that now.

Q132 **David Simpson:** If cities were identified, do you think it would be the policy? Obviously it will be evidence-based, but surely the way to go would be to charge cities or councils if that was the case, in order to eradicate the problem.

Dr Coffey: Genuinely, stuff is still being worked up. I cannot give you a definite answer, apart from to say that there are a series of things being looked at. I cannot remember the extent of the charging regime, but those kinds of things are being worked up. It has to be said that businesses have asked us to try to have a level of consistency where we can between cities, and that is part of what we have consulted on, but ultimately we are going to need targeted interventions that will improve the situation in each particular urban centre.

Mr Hayes: Thérèse went to Derby to discuss this with Derby Council. We have had a couple of workshops on clean air zones. We are looking at how we can improve the communication of the opportunities for clean air zones with local authorities. Along the lines that the Chairman spoke about earlier, we need to make sure that local authorities are geared up to make the best of this opportunity. In essence, the real question is: do we have more zones and do we do more in them? That is the challenge that we will have to meet when we develop our new strategy. I think that both are possible. We want more zones, as Thérèse said earlier, and we probably want to do more in them.

There are three objectives: promoting economic activity and growth in a sustainable way in the town; taking immediate action to affect air quality; and creating a more sustainable view strategically about pollution and air quality within an area. All those three can be married, but it is about getting local authorities into a place where it is attractive to them and they see it as good for their citizens, and where Government are very clear about what they can do with local authorities to make it happen. We are probably looking at more zones and doing more in those zones, in order to meet the objectives that have been established as a result of this court case.

Dr Coffey: I had a request, for example, when I visited Liverpool, to have red routes. I have asked for that to be looked at, in order to see what we can do. Do we need to do more secondary legislation? Of course we have red routes in London, and I think there are some in Birmingham as well. I have spoken to the LGA lead councillor on this as well. They have made some requests. All these different things are being looked at, in addition to the work being done centrally.

Q133 **David Simpson:** John made the point in relation to getting councils to recognise the difficulties that there are with pollution. How can you steer councils in a certain direction? Do you penalise them? How do you do it?

Mr Hayes: We did a consultation on the draft Clear Air Zone Framework and the regulation mandating the implementation of clean air zones, because we want local government to see this as an opportunity to improve the quality of life within the locality. Many in local government see it that way, but I am not sure that it could be said across the whole country. Getting local authorities enthusiastic about this as a positive vision for the future that they can offer to their local citizens and making sure that that marries with the Government's objectives for emissions is really important. This is partly about making sure that we get a joined-up approach.

It is also about tying together various strands of work. Local authorities will have a view about buses; they will have a view about trams in some places. My old city of Nottingham now has an extensive tram system, which has been a great success and is being extended. What is the cycling strategy like? Where can cars go and where can they not go? I made it very clear earlier that I do not have a prejudice against private motorists and I would never have that; I take the opposite view. All those things have to be co-ordinated.

Government can help by identifying and exporting best practice, and doing so on the basis of what we ask for, what we offer, what we recommend and what we advise.

Dr Coffey: Manchester is not one of the five cities that we are mandating to have clean air zones, but they are looking at this. It is about local solutions. Liverpool were explaining to me that they got rid of some of their bus lanes, or are making them very time-limited. They are experimenting in order to work out the best outcome. Ultimately we need free-flowing traffic. I cannot, as a central Government Minister, write every plan. Every time I walk from Defra, there are five zebra crossings from the corner of Horseferry Road. I can give my views as a person on whether that is the best route, having stop-start traffic all the time, or whether a pelican crossing would be better, but ultimately it will be down to Westminster and, in particular, the Mayor of London. I am not going to impose those solutions on them.

Q134 **David Simpson:** To finish very quickly, in relation to the buses, cars and vehicles, does the same legislation cover heavy goods vehicles, delivery vans and all that? Does the same legislation cover those as well?

Dr Coffey: The current proposals are focused on commercial vehicles: HGVs, taxis and things like that. That is the focus that we have laid out so far.

Q135 **Chair:** Of course, delivery vans would not be heavy goods vehicles, would they?

Dr Coffey: Commercial vehicles.

Mr Hayes: To pick up a point you made, David, the purpose of the framework that we published in October is to ensure a consistent approach to clear air zones. The thing that we need to square is making sure that, while the approach is consistent and delivers the outcomes we want, it takes account of particularities. The whole point of local government is that it should not be vanilla-flavoured; it has to be responsive to the needs of its locality and its community, and to take its community with it. My argument for the advocacy of this, on the basis of the difference that it could make to wellbeing, is so that those local authorities can feel an ownership of it in a way that allows them to do things they are proud of and that make their citizens very proud of it too. That is what we are trying to achieve here. It applies, as Thérèse said, to commercial vehicles of all kinds.

I am sure you will ask the question if I do not mention it, Chairman, so I will just say this: of course, in respect of the way people purchase things, we are seeing a change in how goods are obtained and delivered. This is having a big effect in all kinds of areas.

Q136 **Chair:** Shopping online and having it delivered by vehicles, yes?

Mr Hayes: Precisely. It is causing a big change in terms of the number of delivery vehicles, the number of smaller vans and the number of warehouses. There are a lot of ramifications to this. May I make another case on behalf of private motorists? I do not want to see our towns and city centres any more hollowed out than they are in some places now. I want to see them vibrant and successful. We have to think about local economies here as well. We might be doing something very important and significant in respect of emissions, while doing something quite unhelpful in terms of local employment and vitality.

Q137 **Kerry McCarthy:** Can I ask about the bigger picture? It is coming through in some of what you were saying about air quality mattering everywhere, but I am not really getting it, to be honest, from the Defra Minister. Air pollution is a nationwide problem. There are very few parts of the country that would not benefit from seeing a reduction in air pollution levels. This focus on five clean air zones might technically get you within targets, but is it really what we want to see for the country? I am not getting a sense of urgency that this is something we should be trying to move further on across the board. It is all about nudging and encouraging and it not really being your problem.

Dr Coffey: I can assure you, Kerry, that this is my top priority and the top priority of the Secretary of State. I have weekly meetings on air

quality with people from the joint unit. There is detailed work happening in order to develop this new plan. We have been working to get these clean air zones. The Government are taking national leadership by requiring councils to address the issue—that is the legislation that will be coming forward—but I cannot change every single traffic light around the country in order to get traffic flowing more readily.

There are other issues to do with agriculture and ammonia. Our air quality expert group has asked us to focus on ammonia because of the interaction it has at an environmental level, so on 1 December we opened up a new fund for farmers and we have had several expressions of interest in projects to take that forward. We are working on particulate matter. Air quality is improving, but I recognise that we want to keep it improving more quickly. It just so happens that the majority of the issues with nitrous oxides are related to transport and, in particular, urban centres. That is why there is so much focus on that particular policy.

Q138 Kerry McCarthy: We will go on to agriculture in a moment and someone else will ask about that. You mentioned the word “consistency” earlier. The problem with the five zones is that there is not consistency then between cities. Leeds, for example, were concerned that it could displace business to Bradford. They are obviously in competition. If vans have to pay to enter Leeds, why not relocate? That would be a concern for the core cities. I represent Bristol, which is one of the core cities. What are you doing to try to ensure consistency? I accept that there need to be local solutions in a city; Bristol may have particular geographical problems that you would not have in a city like Sheffield. At the same time, they are in competition with each other and they would expect a level playing field.

Dr Coffey: I am not sure why you would want to put conditions on a place that does not particularly have air quality issues and is already in compliance.

Q139 Kerry McCarthy: Are you saying that Bristol does not have air quality issues?

Dr Coffey: I am not saying that Bristol does not. Perhaps I am misunderstanding your question. I interpreted it as: why not just make the entire country an air quality zone, to have that consistency?

Q140 Kerry McCarthy: I started by saying that you would be hard pushed to find an urban area in the country that did not have an issue with air pollution.

Dr Coffey: Yes, and councils already establish air quality management areas. They will vary. It so happens in my constituency that there are two left, and action is being taken by the local council to address that. I had written to over 250 councils asking them about the issues, because we genuinely want to see what we can do to try to help in this. In one particular case, moving a traffic light by 10 yards is one thing that they

believe will make a difference so that the air quality issue will in effect no longer be an issue.

I understand what Leeds are saying. If their air quality is so poor that they have to take extra measures, which may involve charging vans to go in and out, they may lose business to Bradford, but why impose costs on Bradford when they do not have this air quality issue?

Kerry McCarthy: They do.

Dr Coffey: They may do.

Kerry McCarthy: They might not technically be within the same parameters.

Angela Smith: We can talk about traffic lights all we like, but Bradford has a problem. Sheffield has a big problem at junction 34. Some of the schools in that area have been declared as hotspots. There is a problem in every urban centre. What we are driving at is that we do not get a sense of responsibility from Defra for this issue, in terms of putting together the strategy, the legislative framework and the regulatory approach that we need to see to ensure that every single urban centre in the end does deliver. I accept there is a need for local leadership, but the leadership fundamentally needs to come first and foremost from Government, from Defra and from DfT in terms of ensuring that we get on the right path as quickly as possible. Do you accept your role in providing that leadership and strategic oversight of where we need to get to?

Dr Coffey: That is the role of Government and that is why, as I say, I have a weekly meeting on air quality and people are on this. People are working away on options. We are putting forward clean air zones as a tool, but other options will be worked up for councils to take leadership on. We are requiring five cities now. That number may significantly increase as a result of the new data that is still being churned through the model. We have indications from the light-touch model, as it were, that significantly more areas might need to bring in measures, as will be required in Leeds, Birmingham, Derby, Southampton and, of course, Nottingham. That might be a longer list, but I cannot give you the names of those councils now. I have an indicative list, but we have not finished that work and it would not be polite to do so if we have not actually spoken to the councils involved.

Q141 **Angela Smith:** I am just asking for some leadership. We do not want to see you passing the buck. We just want to see leadership.

Dr Coffey: I am not passing the buck to anyone. This is a shared problem. We have national strategies to achieve it, but you will need local action to deliver it.

Q142 **Chair:** Even though your old models were not right, you are confident that your new models will be right and that you will not be back in court, having it ruled against you and paying European fines. Is that what you think, Minister?

Dr Coffey: The models will be updated with the best information that we have. I am not sure that it would be sensible for Government to make up factors.

Q143 **Chair:** The Government have not covered themselves in roses in this. They have been twice to court twice, they have lost twice and they are not getting to grips with air quality. In fairness, Minister, you cannot come here and tell us at this Select Committee that the Government have been doing a marvellous job because they have not. You would be far better off holding your hands up and saying that, rather than giving us information that "we have the model". You had the model and that model was proved to be wrong. We have systems of paying farmers; sometimes they work and sometimes they do not. We want to know that you have a system in place now to make sure that the air quality in the inner cities meets the requirements, because it does not at the moment and we are not really confident that we are moving there fast enough.

Dr Coffey: As I say, we will develop options to help councils come up with local solutions that will mean air quality improves.

Q144 **Chair:** Please answer me. Do you believe the model that Defra is using is fit for purpose?

Dr Coffey: It is a very big and clunky model. It is not particularly agile, but part of that is the level of detail it goes into in making different assumptions. That is why it takes a long time, once the handle is turned, for the output to come out at the end. I will not pretend that it is my favourite model, but it produces the level of detail that we believe is appropriate in order to then have legal consequences of it in requiring actions to take place.

Q145 **Chair:** That description should fill us full of confidence, should it?

Dr Coffey: What I mean is that the detailed outcome is based on factors, and the factors were the ones that we were able to use because that was the best evidence that we had. We now have new factors. If those new factors are incorrect, then the outcome will be incorrect.

Q146 **Chair:** All the time that these factors are incorrect or not, people are suffering with poor air quality and in the meantime the Government are likely to get fined.

Dr Coffey: I recognise entirely that there are parts of our country where air quality is a real problem. That is why I say it is a top priority for me and for the Secretary of State. That is why I am pushing on what we can do along these lines.

Mr Hayes: To be very blunt and clear, the court judgment obliges us to revise our plans. There is no use saying that the plan was adequate because the court has found that it is inadequate. We have to revise our plans and, in essence, that means that we have to do more and we have to increase pace. We will do both.

Q147 **Chair:** You have to be back to ClientEarth by April and you have to be

back to the European Commission by July, so there is not a lot of time for the Government.

Dr Coffey: We are not presenting the plan to ClientEarth. The plan is to be presented to the public.

Chair: Right, then on to the European Commission.

Dr Coffey: We draft the plan, go to consultation and then have our final plan.

Chair: We look forward to that.

Q148 **Chris Davies:** You will be delighted to hear, Ministers, that we do not have a problem with air quality in Hay-on-Wye in the Brecon Beacons National Park, so we will not be requiring a clean air emissions zone. I fully agree with the fact that you are having target zones. I think that is the way forward, but not everybody agrees.

Government support is focused on incentivising the use of low carbon vehicles, moving from diesel and petrol into electric and hybrid vehicles. How much of an impact do you think the government schemes are having?

Mr Hayes: I have asked for exactly those facts and figures, because I knew you would ask me. So far, in terms of electric and low-emission vehicles, we are talking relatively small numbers. We are talking about 75,000 or so. In terms of vans, we are talking about somewhere between 2,500 and 3,000. I think that will accelerate quite rapidly, for the reasons I have given already, because we can get battery technology in a better place; we can reassure people about charging points; we can overcome the doubts that people therefore have about longer journeys. People are not quite sure, once they have charged their battery, how long it will take before they run out and they need to recharge. We need to continue looking at price, because there is a barrier to entry around price.

To pick up the points made earlier, there is also the point about relative attractiveness, isn't there? If electric and low-emission vehicles generally become more attractive at the same time as other kinds of vehicles become less attractive, the choices that individuals make will reflect that. I am confident that we can do more. At the moment, it is relatively modest but I am very confident that we are heading in the right direction. That is the frank answer to your question.

Q149 **Chris Davies:** Can I push you on London, for example? In the previous panel, the Deputy Mayor of London was sitting where the Minister for Defra is sitting. She basically said that the Westminster Government have to fund more for electricity points. London is the focus for most of us at the moment. How can we get more electric points around London? Do we need government intervention or, as *Dr Coffey*: quite rightly said, do local authorities need to get involved?

Mr Hayes: We do need to involve local authorities. We can look at Paris as a parallel. I had a meeting about this quite recently. The rollout of charging points in Paris is extremely impressive. I would not say that

they have one on every street corner, but they certainly have a very extensive number of charging points throughout the city. It is patchier in London. I want to take powers to do more. I want to incentivise people to do more. The Modern Transport Bill will specifically address this issue, by the way. I want to encourage some of the more reticent local authorities, which at the moment are not taking up the opportunity to put charging points in place, to do so.

This is partly about spreading the message and encouragement, but it may also be about creating a statutory framework to deliver the consistent provision of charging points of the kind that they have in the French capital.

Q150 Chris Davies: Would you be looking at a separate city plan? I have just bought a diesel car, as I made quite clear in the last session, and that was only a couple of months ago, so I have not been persuaded with the electric model. I travel 185 miles to get up to London and I do not feel confident that a battery car would get me all the way here. We really need to start with the cities, and we do not seem to be a long way down the line at the moment.

Mr Hayes: You underestimate the level of work that is going on technologically. Battery technology is moving ahead quite rapidly. A business recently came to brief me on the development of batteries that both have a longer life and are less affected by recharging. I am sure you know more about this than I do, but one of the problems that people have is that, every time you charge a battery, you have an effect on its longevity. If you can address that and create a longer-life battery—and both of those things are happening; a lot of work is being done on both of those things—you will change a lot of the assumptions that people make about the disadvantages of investing in electric vehicles.

You are right, in that there will be differences between London and an area like the one that I live in and represent, because people typically travel much longer distances in rural areas to access public services, for example, and to go about their daily lives. We will need to look closely at rural areas, and that is one of the reasons I want to take powers. It might be that we end up with a very patchy provision of charging points and some areas are disadvantaged by the very fact that they are remote or rural, and we cannot allow that to happen. That is a point where Government would need to get involved directly.

Q151 Chris Davies: For the short term in particular, with diesel for example, what is your assessment of the potential for cleaner diesel as a substitution for traditional diesel?

Mr Hayes: We are doing a lot of work on that as well. I have always been quite interested in this from the days when I was the Minister for Energy. There is a lot of work happening in the area of cleaner diesel. It is a rapidly changing field of work, because we are getting better and better at making it more cost-effective. Part of the problem here is scale. You need enough of a demand to create scale that will drive down price. That

is true both in cleaner diesel and in electric vehicles. Until you get to a take-off point, you will not drive the price down to make it economic. I am extremely confident about that.

I will tell you what I would rather like to do on this, Chairman, because it is quite a technical area. With your permission, I would like to write to the Committee following this meeting, setting out the things I have just described: the work that is going on in terms of battery technology and with cleaner diesel.

Q152 **Chair:** Yes. There is a cleaner diesel fuel available out there.

Mr Hayes: There is a cleaner fuel available, but the point I was really making is that getting it to a point where it is commercially viable through a change of affordability requires scale. I want to write to you with the detail about that.

Q153 **Chair:** Can I carry on with one point here? It is grand to have all these charging points for cars but, if you only have about 1% of the fleet of the cars in the country—because that is all it is at the moment; it might be moving to 2%—it is still not going to solve your problem if you are not getting people fast enough off your diesel and petrol cars and onto the electric cars. I know you need the charging points, but do you not want an incentive to buy the electric car and a disincentive to buy diesel and petrol? I know this for the Treasury, but it is also for Transport. Do you not want to start altering the taxation on both diesel and petrol cars? I know you do not want to go there, but do you need to do both? Like I said, you can have as many charging points as you like but, if you do not have electric cars to charge, you are not going to solve the problems with pollution.

Mr Hayes: This Committee is full of members with rich experience, a keen eye and a sharp ear, and they will have heard what I said about the relative attractiveness of different kinds of vehicles. There are all kinds of ways that you can affect the relative attractiveness, but far be it from me to stray into the areas that are outside my purview.

Q154 **Chair:** Sorry, Minister. Successive Governments have used a system to encourage people to buy diesel cars, and now I am afraid they will have to start rowing away from giving them an incentive, to neutralising that, to a disincentive. It may take a little while to do, but you do not seem to be showing any signs of even considering it.

Mr Hayes: Do not forget that we effectively subsidise the electric car market through the plug-in grant. We have put a substantial amount of resource in to remove one of the barriers to entry, which is cost, but, to the point about charging points and suchlike, there are other barriers to entry. If you make electric vehicles more attractive through a variety of mechanisms, more people will go for them. A lot of this depends on the manufacturers. I am talking to the manufacturers about this on a regular basis and one of the things I have argued is that, when people go into a car showroom or when they buy a used car, if the car they are looking at is electric and it does all that a petrol or diesel car will do and more, so

there is no reason not to buy it, this will take off extremely rapidly. At the moment—

Chair: It may not be attractive enough to everybody.

Mr Hayes: Well, it is probably perceived as marginal and we have to make it mainstream.

Q155 **Chris Davies:** I have a last question. I would like to have reassurance from both Ministers, if I may, for the rural community. I mentioned the diesel vehicles, but we also have many day-to-day Range Rovers, Land Rovers, tractors and agricultural machinery that rely on diesel, whether it is good, bad, clean or traditional. There is no plan in the near future for a scrappage or barring from use of those particular vehicles. Can I have a reassurance that the Government are not planning to effect those in the near future?

Mr Hayes: I have mentioned cleaner diesel and I am going to write to you about it. Cleaner diesel is applicable to some of the vehicles that you have described, as the Chairman suggested. Getting those vehicles to a place where they are making a less injurious contribution to the environment, and enabling the owners of them to do so in an affordable way, is part of what I want to do. I represent a rural area too and I am very familiar with the kinds of vehicles that you are describing. Over time, I am confident that we can get there. We certainly will not ignore those in the plans that we put together.

Dr Coffey: I am not aware that just banning a diesel car anywhere in the country tomorrow would be targeted, in trying to achieve what we need to do.

Chair: The new tractors, a little like cars, are much less polluting. They have AdBlue and all sorts, as do the lorries.

Q156 **Kerry McCarthy:** We have heard about the plan to bring forward a strategy to tackle NOx next year. Is it not time for a strategy that deals with all pollutants? The last time that the Government published one was in 2007 and, when the Committee suggested it in its recent report, the Government did not seem very keen on that idea.

Dr Coffey: My recollection is that we have seen a decline in the other pollutants and we are compliant on that, as far as I am aware. On the ammonia, we recognise that there is still more to do. We opened up something for farmers where there has been an expression of interest. A straightforward one would be covers for slurries.

Q157 **Kerry McCarthy:** Would it not be more consistent, if we are looking at the issue of air pollution overall, rather than just focusing on one pollutant that causes the problem, to look at everything in the mix so that we have an overarching strategy?

Dr Coffey: We have been doing that over time with sulphur dioxide, which has come down significantly. A lot of focus has been on industry

and regulation of that. I would have thought that signing up to the National Emission Ceilings Directive is exactly part of that.

Q158 **Kerry McCarthy:** Under the 1995 Environment Act, the Government were required to produce a national air quality strategy. That is now nearly 10 years out of date. Would it not be a good idea to bring it up to date? Quite a lot has changed in that period.

Mr Hayes: I think you are right. We should publish a plan to meet our 2020 and 2030 ceilings. I can go away and talk about that.

Q159 **Chair:** One of the big problems is that, from 1995 to 2005 and onwards, it was still focused on carbon and carbon dioxide, and then all of a sudden we have to move to nitric and nitric dioxide. That is the real problem, because we are actually having to change the science and change the vehicles along with it. It is not easy to do that.

Can I bring in Angela now with a couple of agricultural questions?

Q160 **Angela Smith:** With your agreement, I have one quick question before that, if you do not mind. I promise it will be quick. There is an acknowledgement that we need a strategy on NOx, and that is going to be delivered by the spring. To be honest, there is no disagreement in the concept of having local government as a key partner in delivering a lot of that strategy. Do I have a commitment from the Ministers, though, that central Government, in terms of implementation of the strategy, will fully fund local government to deliver? In other words, you are not going to require local government to, for instance, deliver charging points and then not give it the funds to do so.

Dr Coffey: It is a little too early to say at the moment, Angela. Councils will come up with different plans according to what their needs are.

Q161 **Angela Smith:** I am talking about the strategy. Minister Hayes has acknowledged that we need a central government strategy to deliver the compliance that we are looking for in terms of European Union regulations. Will Government fund the deliverance of that strategy, even when it involves local government?

Dr Coffey: Last year we gave out £500,000 in air quality grants.

Q162 **Angela Smith:** No, I am talking about the strategy that you will come up with next April. Are you going to make sure that it is fully funded and you do not require local government to dip into its pockets for money that it does not have.

Dr Coffey: I am not sure I can say that national Government are just going to write a blank cheque. It will be about local targeted interventions, where necessary, but we are already investing, as John has pointed out in a number of different ways, in nitrous oxide emissions in that particular regard.

Angela Smith: That is a no, then.

Dr Coffey: We are also putting funding out to see what we can do to help with ammonia. If you want to talk about particulate matter, I want to encourage householders to think very carefully about the kind of wood they buy.

Angela Smith: This is not relevant to the question. It seems to me that the answer is no.

Dr Coffey: I have given you the answer that I do not think the Government are able to write a blank cheque on every single action, because we do not yet have detailed actions to talk to you about.

Mr Hayes: I talked about the money in the Autumn Statement. We have to look at how far the changes we need to make can already be funded out of that additional money and the money that we have already committed. If more funds are required, that is something that we will have to address in that plan. It may be that, beyond the £290 million, which was additional money, and beyond the core money that we are spending—I mentioned £2 billion since 2011—more funds are required, and that is something that we would have to look at. I will not be dishonest with you about that. I would rather be straightforward and say that, when we draw up the plan, we will need to think about those ramifications. I want to see the plan and the costings before I can give a definitive answer.

Q163 **Angela Smith:** Just on agriculture, then, this is a question for the Defra Minister obviously. The UK has signed up to the National Emission Ceilings Directive recently, which binds us to a reduction in ammonia levels of somewhere between 8% and 9% by 2030. What is Defra planning to do to deliver on that target?

Dr Coffey: As I say, we have started to think about a farming ammonia reduction grant, and I was giving the potential example of covers for slurry stores, which would help reduce ammonia emissions from beef and dairy farms. We should recognise that over half of the ammonia emissions come from the livestock sector, from the dairy and beef sector, which is why we want to focus our activity there.

We are starting to support farmers to take action, but we need to continue to do more research on this element of it. A lot of this will come from agriculture.

Q164 **Angela Smith:** What kind of research is being commissioned? Has Defra invested in scientific research? Is it doing research co-funded with the NFU? What kind of research is being commissioned?

Dr Coffey: The greenhouse gas action plan, which we published in 2010, has become like the footprint, and we continue to see ammonia fall. It is about trying new things and getting more farmers to be involved in that. It is those kinds of activities that targeted grants are trying to get more people involved in, to deliver on these measures.

Angela Smith: Would it help, Chair, if we had a written note on this? It feels a bit vague.

Q165 **Chair:** Yes, it would. I would like to be reassured that Defra is also saying to farmers, "If you use your slurries in a better way, you will lose less ammonium, less gas will be omitted and you will grow more crop as well". It is a very useful fertiliser. Sometimes we miss an opportunity for farmers to gain financially by using the manures better and still reduce the amount of gas being emitted.

Dr Coffey: That is a fair point. Working with farmers to increase the quality of slurry is a start, and then how you apply it, as you indicate, is rather critical, not only in the benefits that it can bring forward for soil health but also in terms of the emissions. Opening up this grant is a good way to signal to the industry that more needs to be done, and we want to be there, helping farmers to achieve it.

Q166 **Chair:** I do not know whether you could supply any written evidence, as you may not be doing this, but I know the New Zealanders have also done quite a lot of work on the types of grasses that they grow so, when the cattle and sheep digest the proteins, they do so more quickly and they give off less methane gas. I do not know whether Defra has done any of this work or not.

Dr Coffey: I have a note here that talks about methane emissions arising mainly from enteric fermentation in ruminant livestock. I must admit I do not know what "enteric" means but I shall look that up.

Q167 **Angela Smith:** So methane is not particularly part of Defra's plan for reducing emissions in agriculture.

Dr Coffey: That is about reduction of carbon so, yes, there is a wider element as well. I have met Nick Hurd. I am not the Farming Minister, so I will not pretend that I have been involved proactively in farming schemes in that regard. Nick and I sat down with George a few weeks ago to talk through this. I am hoping to see Nick again this weekend. It is on our agenda to think about how we improve the quality of farming and reduce emissions, as well as tackling carbon in that regard.

Q168 **Angela Smith:** You are looking at emissions as a whole and not just one particular emission.

Dr Coffey: Yes. As I say, that is part of the greenhouse gas action plan.

Angela Smith: A written note, Chair, would be a good idea.

Chair: It would be useful.

Dr Coffey: I am more than happy to do that.

Chair: Thank you, Ministers, very much for your evidence this afternoon. You can tell that the Committee is very keen, as are you, to see our air quality improve across the country. We are expecting action from the Government such that they comply with the legislation on air quality. We look forward to those measures being put in place more quickly than we have necessarily heard this afternoon. That would be really useful.

Dr Coffey: Thank you, Mr Chairman.

Mr Hayes: Thank you, Chairman. We take this very seriously indeed. We are grateful for the opportunity to explain some of what we are doing. We are more than happy to provide any further evidence you wish and to reassure you, drawing on the metaphor that Angela used earlier, when my shoulder is not to the wheel, my nose is to the grindstone. Very often it is both, which is quite hard to achieve. I can confirm, given what Mr Fitzpatrick said, that you have become much more difficult since you stopped being my PPS.

Chair: I am very pleased to hear that. Seriously, we will follow this very closely. I suspect that in a few months' time—six months' time, or it may not be as long as that—we will be doing a little more on this. On Thursday, we have a debate and you, Minister, may well be coming to us.

Dr Coffey: I will be replying to that.

Chair: You will be replying to that. We have our debate on Thursday on air quality and we will be looking to take more evidence again in the future. Thank you, Ministers, very much. May I wish you both a very happy Christmas? Thank you very much.