

Written evidence submitted by David Davies

Campaign For Air Pollution Public Inquiry

Please see the Environmental Audit Committee report published on 26th November 2014.

<https://publications.parliament.uk/pa/cm201415/cmselect/cmenvaud/212/21209.htm>

It makes a formal recommendation to the Government for a Public Inquiry to scrutinize the evidence in relation to Air Pollution policies.

17. In the absence now of an independent body responsible for air quality, the time has come for decisive action and we therefore support calls for an independent public inquiry to look at the required urgent action on air pollution. (Paragraph 93)

This was rejected by the Prime Minister at the time and no action has been taken in the 9 years since to scrutinize air pollution policies.

The Campaign for Air Pollution Public Inquiry is now calling for the Environmental Audit Committee to renew its recommendation to the Government for an urgent Public Inquiry to scrutinize Air Pollution policies to ensure that they are evidence based and effective.

I have copied 2 extracts from the report below.

1/ Confirms that testing has shown that the Euro 5 vehicles were creating far higher emissions than the level at which they had been approved (in laboratory tests)

Testing by Defra of 100k vehicles in London showed that the Euro standards had failed to deliver reductions in air pollution

- 42 Our own air monitoring experiment during this inquiry showed high levels of air pollution exposure during taxi journeys on London.⁷⁶ As part of London's Low Emission Zone the Mayor of London introduced a 15 year age limit on taxis which prompted the retiring of 3,000 taxis (as well as a 10 year age limit for public hire vehicles), and required all new taxis to meet the Euro V standard.⁷⁷ As we noted above, 'Euro V' standards have failed to meet expectations for reducing pollution (paragraph 33), making it difficult to demonstrate the impact of such initiatives. King's College London noted that "more modern taxis tend to be higher emitters of NO₂".⁷⁸ Clean Air for London believed that "the only two new diesel taxis that meet the Mayor's turning-circle requirement emit more primary NO₂ than most if not all previous taxis".⁷⁹ This is a particularly London problem and so is a matter for the Mayor of London's office to examine within a national policy on public transport.

2/ The Environmental Audit Committee called for a Public Inquiry

- 93 In the past the Royal Commission on Environmental Pollution would have helped to review air pollution and make recommendations for remedial action. The Sustainable Development Commission, similarly, might have been expected to address this important sustainability issue. Both no longer exist. In the absence now of an independent body responsible for air quality, the time has come for decisive action and we therefore support calls for an independent public inquiry to look at the required urgent action on air pollution.**

<https://publications.parliament.uk/pa/cm201415/cmselect/cmenvaud/212/21206.htm>

A Public Inquiry to scrutinize London's Air Pollution Policies

- The Mayor's ULEZ policy does not comply with the requirements of Public Law to be evidence based, fair, reasonable, rational and for proper purpose
- A 2011 report for the Kings College Environmental Research Group stated that a Euro 5 vehicle created 5 times as much NO₂ as a 15 year old vehicle (cited by The Mayor at the time to the Environmental Audit Committee)
- As an engineer I provided an explanation to the ERG as to why; Catalytic Convertors, Diesel Oxidation Cats and Diesel Particulate Filters do not reach 'light up' temperature in an urban environment and is why the

newer vehicles were MORE polluting than the older vehicles. In a lab test the drive cycle used measures the vehicles driving at speeds of 70mph. In London the average vehicle speed is less than 5mph.

- In 2013 Defra and the Environmental Research Group at Kings tested 100k vehicles using a roadside emissions test which had ANPR to identify the Euro standards of a vehicle and concluded that the Euro 5 and 6 vehicles were not delivering emissions reduction, and that their emissions were many times higher than that at which they were approved in lab tests
- In 2016 following the VW emissions scandal a DfT report using Portable Emissions Measurement systems showed yet again that the Euro standards had failed and that in an urban drive cycle the emissions were many times higher than that at which approved by a lab test
- Testing conducted on buses also showed that the Euro standards had not reduced emissions and that MOST emissions are created when a vehicle is stop starting. Improving traffic flow will significantly reduce emissions
- Simple common sense proposals to improve air quality have ignored by the Mayor; Higher grade fuel and fuel catalysts would improve fuel efficiency and decrease emissions significantly in every single vehicle on the road and would do so immediately. Park and Ride schemes may enable people to get to a station where there is not extensive Public Transport so that they have an alternative to driving if they choose. The post office railway could be re-commissioned to take thousands freight vehicles off the road. Removal of LTNs would improve traffic flow and reduce emissions
- It makes no sense from an environmental perspective to needlessly scrap vehicles which in itself causes a massive environmental footprint . When a vehicle is scrapped it takes 5 years to offset the carbon footprint even if it is replaced with a zero emissions vehicle.
- The recent High Court ruling about ULEZ expansion is not conclusive
- The Government has jurisdiction over policies in London which have a national effect. London is the UK capital and Heathrow is the UKs busiest airport.
- It is also the case that improper policies based on false evidence which will not reduce air pollution implemented in London will set a precedent and will be replicated throughout the UK causing continuation of air pollution nationwide, so it is therefore within the remit of the Government to take urgent action.
- Individuals and organisations should not be required to spend thousands on Legal action to ensure politicians comply with Public Law. A Judicial Public Inquiry is the correct process to do this.
- ULEZ has not been scientifically proven to improve air quality
- TFL are not accountable as a Public body and are set up as a complex web of private limited company
- ULEZ will cause unnecessary financial hardship to thousands of individuals and businesses and seems to be designed as a cash cow to resolve TFLs financial shortfalls
- If there was an accident which led to many deaths there would be an immediate Public Inquiry to establish the causes and what action should be taken
- A Public Inquiry will help to identify effective policies to improve air quality which is something wanted by all

It is a legal requirement that decisions made by a public body must be rational and evidence based, for proper purpose, proportionate, and properly reasoned.

The Ultra Low Emissions Zone and the expansion of it does not meet these legal requirements.

The recent High Court Judgment only made a ruling based on very limited grounds;

- *Ground 1: Was it lawful for the Mayor to extend the ULEZ by amending the existing vehicle charging scheme; was the 2022 Order made consistently with all obligations arising under Schedule 23 to the 1999 Act?*
- *Ground 2: Was sufficient and/or sufficiently clear information provided for the purposes of the consultation exercise?*
- *Ground 3: Was the Mayor's decision on the grant payment lawful?*

This Judgement was based on the very specific grounds of the application and was not required to make a determination in law as to whether the Mayors decision to expand ULEZ meets the requirements for a decision by a Public body as set out above.

Politicians should act in compliance with Public Law and be held to account. It should not be the case that individuals or organisations should have to take expensive legal action in order for Public Law to be upheld. That is the role of the Government and the correct mechanism should be a Judicial Public Inquiry.

It is within the Governments remit to take action on policies implemented in London which have a national effect.

The expansion of ULEZ effects everyone in the UK who visits their capital city or the millions of people who use the UKs busiest airport Heathrow.

It is also a critically important national issue because Local Authorities throughout the UK will take the improper and unlawful ULEZ as a legal precedent to also initiate the same improper policies.

The Euro Emissions Standards have failed.

In 2011 The Mayor of London submitted a report to the Environmental Audit Committee stating that the Euro standards were not working. He said ;

“A Euro 5 car, for example, emits around five times as much direct NO₂ as a fifteen year old car.”

The Government initiated real world testing of 100,000 diesel vehicles in urban conditions in London in 2012 using a roadside test technology and the subsequent Defra report of 2013 again proved that the new Euro 5 and Euro 6 vehicles were MORE polluting than older vehicles.

Following the VW emissions scandal the DfT report in 2016 again confirmed that the Euro standards have failed and that many vehicles do not meet standards and yet at the same time some are calling for national Low Emissions Zones, which are based on the failed Euro standards and scrapping ‘more polluting older diesel vehicles’ when the DfT report clearly shows that the older vehicles are often LESS POLLUTING than the newer vehicles.

<http://www.airqualitynews.com/2016/04/21/all-top-diesel-cars-break-real-world-emission-limits-tests-find/>

All top-selling diesel cars tested as part of a UK inquiry following the Volkswagen emissions-cheating scandal have been found to produce higher levels of air pollution on the road than legally allowed under laboratory conditions.

“A report published by the Department for Transport (DfT) today (April 20) shows that not one of the 37 vehicle types tested over a six-month period met the legal nitrogen oxide (NO_x) level of 180mg/km for Euro 5 cars and 80mg/km for Euro 6 cars when driven on the road.”

UK inquiry after Volkswagen scandal finds much higher nitrogen oxide levels than when vehicles are tested in laboratory

On average NO_x emissions from Euro 6 vehicles were more than six times higher than the 80mg/km test limit

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/548148/vehicle-emissions-testing-programme-web.pdf

There were also multiple scientific reports published showing that Low Emissions Zones throughout Europe based on the Euro emissions standards had failed to reduce air pollution (see references below)

One of the cars required to pay ULEZ is the Smart For two 800cc diesel.

This car was hailed as having excellent environmental credentials setting a new emissions record with 85mpg and just 86 g/km of CO₂

<https://www.fleetnews.co.uk/news/2010/2/10/smart-fortwo-sets-new-emissions-record/32554/>

How can it be justified scrapping a car like this?

From an environmental perspective it takes 5 years to offset the carbon footprint of scrapping a car based on replacing it with a zero emissions vehicle (which doesn't exist)

Why should people be forced to scrap perfectly good cars at great expense and often causing hardship, based on flawed or no evidence?

It makes no sense and is not legitimate to base any air quality policies on the failed Euro Standards

Previously 25 MPs and Lords supported the Campaign for Air Pollution Public Inquiry which resulted in the Environmental Audit Committee making a formal recommendation for a Public Inquiry to the Government in 2014.

<https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/action-on-air-quality/written/15675.pdf>

“In the past the Royal Commission on Environmental Pollution would have helped to review air pollution and make recommendations for remedial action. The Sustainable Development Commission, similarly, might have been expected to address this important sustainability issue. Both no longer exist. In the absence now of an independent body responsible for air quality, the time has come for decisive action and we therefore support calls for an independent public inquiry to look at the required urgent action on air pollution(Paragraph 93

<https://publications.parliament.uk/pa/cm201415/cmselect/cmenvaud/212/21206.htm>

The Government at the time then rejected the formal recommendation for A Public Inquiry in 2015 claiming that effective action was being taken.

More than 9 years later the policies being implemented are still not effective and still do not comply with Public Law

There are now renewed calls for an urgent Public Inquiry so that effective air quality policies are implemented and people are not subjected to improper policies initiated for improper purpose.

Transport for London receives more than £9 billion a year from the public, yet it is not accountable. It is set up as a complex web of Private Limited companies (some offshore) with employees as directors who receive finance performance related bonuses. Despite the huge sums received from the Public TFL has a £740m deficit and the expansion of ULEZ is likely seen as a cash cow.

The Mayor has falsely claimed that ULEZ has reduced air pollution, but has actually conducted no testing whatsoever to prove this point. (in contradiction of Public Law for his policies to be evidence based) The Mayors statement that ULEZ has reduced air pollution is contradicted by the scientific and technical evidence that the Euro standards are not effective in real world driving conditions, proven by the Governments own testing.

It seems that buses, which are on the road 24/7 may well be some of the most polluting vehicles. It may be the case that policies to reduce bus emissions and changing some of the fleet to hybrid buses is why air quality measurements have improved slightly. The COVID epidemic and the subsequent changes leading to thousands of people working from home may also be a factor that has seen air quality improvement.

There is no evidence to show that ULEZ has reduced air pollution and therefore expanding the ULEZ to outer London cannot be shown to be an effective or legitimate strategy.

In 2016 the Mayor was previously sent extensive information by the Campaign for Air Pollution Public Inquiry detailing many simple and effective solutions which would significantly reduce air pollution immediately, and which he has chosen to ignore.(see below)

He has instead introduced policies which will not reduce air pollution and will improperly persecute drivers and the people of London.

His promises when campaigning to be elected as Mayor that he would take effective action to reduce air pollution were as false as his policies.

We are campaigning for a Public Inquiry to establish why previous and present policies have failed to ensure that future proposed policies are evidence based and will actually reduced air pollution. Improper policies announced for Political purpose which are not evidence based will only lead to continued air pollution which has serious implications for Public Health
Air Quality strategies have failed because they have not been evidence based.

If there was any accident causing significant loss of life there would be an immediate Public Inquiry to establish what had caused it and what steps should be taken to prevent it ever happening again.

There are an estimated 160 deaths in the UK from air pollution every day and the Governments new proposals will not change this

The simple common sense solutions below have been sent for many years to Government Committees including the EFRA, DEFRA and the EAC and have been ignored

Scrapping diesel vehicles will not reduce pollution significantly, as confirmed by the RAC Foundation report The taxi age limit has Increased POLLUTION . The new taxis are MORE polluting than the older taxis.

The MOST IMPORTANT principal to understand is the amount of pollution caused by congestion. Scientific Testing shows that more than 90% of pollution is caused when vehicles are stop starting . If you can halve the amount a vehicle is stop starting then air pollution of all vehicles can be reduced by 45% instantly.

This principal means that Low Traffic Neighbourhoods which reduce traffic flow will therefore increase air pollution.

There are simple common sense policies which could have been implemented

- Cleaner Fuel (as per the evidence from Sweden,)
- A reduction on Peak time deliveries enabling off peak deliveries, improved delivery infrastructure (reinstatement of Post Office underground rail for parcel delivery could take thousands of vehicles off the road)
- Park and Ride schemes (possibly integrated with Crossrail, existing stations or with shuttles), enabling people to park near the M25 if they choose
- Improved traffic management (red routes and road works)
- Improved cycle infrastructure. (enabling bikes on trains and secure workplace cycle storage) PRPOPERLY PLANNED Cycle Routes which do not restrict road traffic. (current bike lanes have INCREASED CONGESTION),
- Transponders fitted to buses so that they can avoid stopping at traffic lights,
- Changing pedestrian crossings so that they do not unnecessarily stop traffic
- Building pedestrian bridges and walkways to improve traffic flow.

The petition calling for a Public Inquiry has been signed by 45k people .

Sadiq Khan is responsible for thousands of deaths caused by air pollution by ignoring common sense ideas and implementing a ULEZ expansion based on flawed improper evidence

<https://www.change.org/p/sacksadiq-makelondonsafeagain-ask-london-assembly-to-file-motion-of-no-confidence-he-should-resign-immediately-sacksadiq>

References

Ref 1-Environmental Audit Committee Recommendation for a Public Inquiry

<http://www.parliament.uk/documents/commons-committees/environmental-audit/HC-212-forweb.pdf>

page 40 paragraph 93 / page 50 recommendation 28

Ref 2-Report from the Environmental Research Group, Kings College 2013 proving Euro Standards have failed

[http://uk-](http://uk-air.defra.gov.uk/assets/documents/reports/cat05/1307161149_130715_DefraRemoteSensingReport_Final.pdf)

[air.defra.gov.uk/assets/documents/reports/cat05/1307161149_130715_DefraRemoteSensingReport_Final.pdf](http://uk-air.defra.gov.uk/assets/documents/reports/cat05/1307161149_130715_DefraRemoteSensingReport_Final.pdf)

Ref 3 Testing by Swedish Transport Authority showing significant reduction in emissions by using cleaner diesel

http://www.trafikverket.se/PageFiles/65300/delrapport_emissionsmatning_tunga_fordon.pdf

Ref 4 –Legal Requirements of Decisions by a Public Body

<https://www.fieldfisher.com/en/insights/decision-making-by-public-bodies-how-to-avoid-legal-challenge>

Ref 5-The Mayor of London's written evidence to the EAC in 2011

<http://www.publications.parliament.uk/pa/cm201012/cmselect/cmenvaud/writev/air/m28.htm>

11. NO₂ levels have not fallen in recent years as modelling had predicted. This is a problem across major cities in the UK and across the EU. Emerging evidence, including a report by King's College London, suggests that this may be due to the failure of recent Euro standards to deliver expected reductions of NO₂ [1]. A Euro 5 car, for example, emits around five times as much direct NO₂ as a fifteen year old car.

Ref 6-The Mayor of London's Air Quality Strategy 2010.

http://www.london.gov.uk/sites/default/files/Air_Quality_Strategy_v3.pdf

Improving the emissions from all vehicles through new technologies

3.6.14. Euro air quality standards play an important role in driving improved performance on emissions. They were developed to ensure that natural fleet replacement results in significant reductions in pollutant emissions. They are also used by policymakers to specify requirements within different policies and schemes. Their ongoing development is therefore vital, with a focus on ensuring they are as effective as possible in delivering the benefits in reduced emissions that they have been designed to achieve, particularly when combined with abatement technologies.

3.6.15. Research into the application of Euro standards has highlighted that the higher standards do not deliver the expected improvements in emissions of NO_x, especially for diesel cars and LGVs. Over the past few years, the amount of NO₂ emitted directly by these vehicles has increased and overall NO_x emissions (which include NO₂) have tended to stabilise (rather than reduce), whilst improvements have been seen in HGVs and buses, more so since the introduction of the Euro IV standards for these vehicle types.

3.6.17. The Mayor will encourage the Government and the European Commission to ensure that future Euro standards deliver improvements in emissions in order to improve air quality in London. The Mayor will also seek to make the case for improvements to the testing and enforcement processes for Euro standards; for example, the vehicle approval processes and testing standards could better reflect the actual on-urban road emissions of vehicles based on drive cycles that are not representative of urban driving conditions.

Ref 7 –City Diesel

<http://www.air-quality.org.uk/26.php>

City Diesel City diesel is petroleum based lower emission diesel developed in Sweden but now available in many European Countries including the UK. Exhaust emissions from vehicles fuelled with city diesel compare favourably with exhaust emissions from equivalent vehicles fuelled with conventional diesel. The main benefit of city diesel is that its combustion reduces particulate emissions by 34 - 84% depending on engine type, duty cycle, test basis and type of particulate measured. An additional benefit of city diesel is that it is a low sulphur fuel, which is necessary for the optimum running of oxidation catalytic converters

Ref 8-Green Party Press Release 2014

<http://greenparty.org.uk/news/2014/05/13/air-pollution-we-need-to-force-politicians-to-take-the-issue-seriously/>

Ref 9 The RAC Foundation article confirms that banning diesel vehicles will not improve air pollution significantly

<http://www.airqualitynews.com/2016/04/11/diesel-car-scrappage-policy-little-benefit-to-air-quality/>

Ref 10 Low Emissions Zones have failed to reduce pollution

https://www.researchgate.net/publication/275059001_Review_of_the_efficacy_of_low_emission_zones_to_improve_urban_air_quality_in_European_cities

<https://www.newscientist.com/article/dn28100-londons-low-emission-zone-fails-to-improve-air-quality/>

<http://journals.plos.org/plosone/article?id=10.1371/journal.pone.0109121>

Ref 11 – Campaign for Air Pollution Public Inquiry evidence to the Environmental Audit Committee 2014

<https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/Environmental%20Audit/Action%20on%20air%20quality/written/9758.html>

Ref 12 –Letter from John McDonnell and 25 MPs and Lords calling for an urgent Public Inquiry in 2014

<https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/action-on-air-quality/written/15675.pdf>

Regards Dave Davies

Campaign for Air Pollution Public Inquiry

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