

## Headlines

1. The Environment Bill will deliver cleaner air for all, by requiring the government to set targets on air quality, including for fine particulate matter, the most damaging pollutant to human health.
2. Councils and other relevant public bodies will be required to work together more closely to tackle local air quality issues, and it will be easier for local authorities to enforce restrictions on smoke emissions from domestic burning, which pollutes our towns and cities. The government will also be required to regularly update its National Air Quality Strategy.
3. The Bill gives the government the power to make vehicle manufacturers recall vehicles if they do not comply with relevant environmental standards, ensuring illegally polluting vehicles are taken off the road quickly.

## Context

Air pollution comes from a diverse range of sources, including industry, transport, burning of solid fuels in the home, and the use of cleaning products. It poses the single greatest environmental risk to human health.

The Environment Bill will help ensure we all have cleaner air to breathe. It will drive action on air quality by introducing duties to set air quality targets, enabling and driving greater action at the local level, updating existing, outdated legislation, and enabling the government to compel manufacturers of illegally polluting vehicles to remove them from our roads.

Short-term exposure to elevated levels of air pollution can cause a range of health effects and is a particular threat to vulnerable groups, including the elderly, very young, and those with existing health issues. However, long term exposure affects us all, with long-term exposure to man-made air pollution in the UK known to shorten lifespans.

Air pollution has reduced significantly over recent decades and will continue to improve thanks to the action we have already taken. For example, emissions of nitrogen oxides have fallen by 33% between 2010 and 2018 and are at their lowest level since records began, and emissions of fine particulate matter (PM<sub>2.5</sub>) have fallen by 9% between 2010 and 2018.

The key actions the government is taking to continue to reduce emissions from a wide range of sources are set out in two documents:

- In July 2017, the government published the UK Plan for Tackling Roadside Nitrogen Dioxide Concentrations (<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>) (the NO<sub>2</sub> plan), supported by a £3.8 bn investment into cleaner transport and air quality. This focuses on resolving the most immediate air quality challenge, which is nitrogen dioxide concentrations around roads, to ensure we meet our statutory air quality limits.
- The Clean Air Strategy (<https://www.gov.uk/government/publications/clean-air-strategy-2019>) was published in January 2019, and welcomed by the World Health Organisation as “an example for the rest of the world to follow”. It sets out the comprehensive action required across all parts of government to meet our legally binding targets to reduce emissions of five key pollutants by 2020 and 2030, and secure significant public health benefits. This includes action to reduce

emissions from a range of sources, including domestic solid fuel combustion, agriculture, and industrial sources. The Strategy also made a commitment to bring forward primary legislation on clean air, as outlined in the Environment Bill.

The Environment Bill delivers key aspects of the Clean Air Strategy with the aim of maximising health benefits for our citizens. It introduces a duty on the government to set a legally-binding target for fine particulate matter (**PM<sub>2.5</sub>**), the pollutant of most concern for health, alongside at least one further long-term air quality target. It also ensures local authorities have a clear framework and simple to use powers to address air quality in their areas, and provides the government with powers to enforce environmental standards for vehicles.

## What does the Bill do?

Now the UK has left the EU, we have the opportunity to take a more tailored approach to UK action on air quality even as we continue to be willing partners and allies to our European and international friends in the effort to reduce transboundary air pollution. For example, developing targets that are focused on tackling the sources of emissions most relevant to a UK context to deliver significant public health benefits for our citizens.

The Environment Bill delivers key aspects of our Clean Air Strategy and sits alongside our wider action on air quality. The Bill requires the setting of national targets to drive action, and provides important tools to empower local authorities to tackle issues specific to their areas. The measures in the Bill deliver on specific issues raised by local authorities as hampering action at a local level – for example simplifying enforcement of Smoke Control Areas, because they are currently too burdensome to pursue; and ensuring responsibility for tackling air pollution is better aligned with where powers to take action sit.

The air quality part of the Bill:

- introduces a duty to set a legally-binding target for fine particulate matter, the pollutant of most concern for human health, in addition to at least one further long-term air quality target. These will deliver significant public health benefits
- establishes a clear framework for local action and collaboration on air pollution
- creates a simpler mechanism for local authorities to tackle smoke emissions – a source of fine particulate matter
- provides the government with new powers to enforce environmental standards for vehicles

## How will we do it?

The Bill introduces a duty on the government to set at least two air quality targets by October 2022.

- the first is to reduce the annual average level of fine particulate matter (**PM<sub>2.5</sub>**) in ambient air. This will deliver substantial public health benefits
- the second air quality target must be a long-term target set a minimum of 15 years in the future, which will encourage long-term investment and provide certainty for businesses and other stakeholders

We will also amend the existing substantive primary legislation:

- the Environment Act 1995, which sets up the local air quality management framework (amongst many other things), including local government responsibilities to tackle air pollution

- the Clean Air Act 1993, which enables local authorities to tackle smoke emissions from chimneys of buildings, fixed boilers and industrial plant

The Bill builds on and improves these frameworks, enabling more effective action to tackle air pollution and deliver health benefits, as well as increasing transparency and accountability at all levels.

The amendments to the Environment Act 1995 made through the Bill will:

- amend the local air quality management (LAQM) framework to enable greater cooperation at local level and broaden the range of organisations that play a role in improving local air quality. In particular, responsibility for tackling local air pollution will now be shared with relevant public bodies (which will be designated as air quality partners), all tiers of local government and neighbouring authorities
- increase transparency and accountability by requiring the Secretary of State to regularly review the Air Quality Strategy at least every 5 years, and to publish an annual statement to Parliament on progress towards achieving air quality standards and objectives

The amendments to the Clean Air Act 1993 made through the Bill will help local authorities reduce pollution from domestic burning. Specifically, the amendments will:

- replace the criminal offence of emitting smoke from a chimney in a smoke control area with a civil penalty regime, which allows for the removal of the statutory defences that currently hinder enforcement. This will enable quicker, simpler and more proportionate enforcement at a local level against the emissions of smoke within a smoke control area
- give local authorities powers to address pollution from solid fuel burning on inland waterway vessels (e.g. canal boats) in smoke control areas
- strengthen the offences in relation to the sale and acquisition of certain solid fuels for use in smoke control areas, by removing the limit on the fine for delivering unapproved solid fuels to a building in a smoke control area, and requiring retailers of solid fuels to notify customers that that it is illegal to buy unapproved fuel for use in a smoke control area unless burning in an approved appliance

We are also introducing a new power for the government to compel vehicle manufacturers to recall vehicles and non-road mobile machinery if they are found not to comply with the environmental standards that they are legally required to meet. The government will also be able to set manufacturers a minimum recall level. This will enable the government to ensure polluting vehicles are removed from the road and to hold non-compliant manufacturers to account.

These measures complement ongoing actions on air quality that are being delivered alongside the Bill, such as:

- additional action to tackle emissions from solid fuel burning. Specifically, phasing out the sale of the most polluting fuels so only the cleanest fuels are available to use, and ensuring only the cleanest stoves are available for sale by 2022. We will develop a dedicated communications campaign targeted at domestic burners, to improve awareness of the environmental and public health impacts of burning
- introduction of regulations to reduce ammonia emissions from agriculture, which is a significant source of air pollution. This includes requirements to:
  - reduce ammonia emissions from urea fertilisers

- rapidly incorporate manure into bare soil
- use low-emission slurry/ digestate spreaders
- to cover slurry/ digestate stores
- development of a UK Best Available Technique approach to regulating industrial emissions and exploration of further opportunities for emissions reductions by developing a series of sector roadmaps, working in close collaboration with industry

## Further information

### The fine particulate matter (PM<sub>2.5</sub>) target

In the Clean Air Strategy, which the World Health Organization (WHO) described as “an example for the rest of the world to follow”, the government committed to setting a new long-term target on air quality, in order to reduce exposure to fine particulate matter (PM<sub>2.5</sub>). The Bill delivers on this key commitment by introducing a duty to set a target for PM<sub>2.5</sub>.

The government is committed to evidence-based policy making, and will consider the WHO’s annual mean guideline level for PM<sub>2.5</sub> when setting the target, alongside independent expert advice, evidence and analysis on a diversity of factors – from the health benefits of reducing PM<sub>2.5</sub>, to the practical feasibility and economic viability of taking different actions.

It would be irresponsible to set a target without giving consideration to its achievability and the measures required to deliver on that target.

The target level and achievement date will be developed during the target setting process and will follow in secondary legislation.

### Air quality standards now the UK has left the EU

The government is fully committed to tackling air pollution and that is independent of being a member of the EU.

The European Union (Withdrawal) Act ensures that the whole body of existing EU environmental law continues to have effect in UK law. Our national emission ceilings and ambient air quality limits are already set out in UK law. The measures in this Bill will also ensure that environmental ambition and accountability remain at the heart of government now the UK has left the EU, and will provide a clear trajectory for long-term significant environmental improvement.

The Bill will establish a comprehensive legal framework for environmental improvement which will drive action by successive governments, provide a clear framework for public and Parliamentary scrutiny, and chart a clear course for a greener future.

### Transport and air pollution

Effective action to address air pollution requires action beyond transport, across all areas of government and society, as highlighted in our Clean Air Strategy. Additionally, we are already taking significant measures to reduce emissions from transport. We have put in place a £3.8 billion plan to reduce harmful emissions from road transport, and almost £2 billion of this has been invested in cycling and walking over this Parliament.

We have consulted on bringing forward the end to the sale of new petrol and diesel vehicles to 2035, or earlier if a faster transition appears feasible, as well as including Hybrids for the first time. The government also recently published its long-term strategy for the maritime sector which includes a

plan for addressing emissions, and is planning to publish a long-term Aviation Strategy by the end of the year.

The government has also been working with the rail industry, who have published a roadmap for decarbonisation. This Bill addresses a crucial gap by introducing a power for the government to mandate manufacturers to recall vehicles for failure to meet environmental standards.

## **Raising awareness about the effects of air pollution on health**

Defra's Daily Air Quality Index assists in understanding air pollution levels and suggests recommended actions and health advice. Such advice applies to anyone experiencing symptoms. We make air pollution information available through a range of channels, including telephone, internet and twitter, and there are opportunities to sign up to email services for air pollution alerts and health advice. We also inform a network of charities when air pollution is forecast to be elevated so they can inform their networks and ensure information reaches the people who are most vulnerable.

The Clean Air Strategy committed to working with the health community, including Medical Royal Colleges and other professional health bodies, to develop bespoke guidance material for doctors and other medical and care professionals. It also committed to improving how we communicate air quality information, and to make better use of and give better access to national and local data.

## **Supporting local authorities to reduce the health effects of air pollution**

The Environment Bill will enable greater local action on air pollution by ensuring responsibility for tackling air pollution is shared across local government structures, local authority boundaries and with relevant public bodies. We are also strengthening the ability of local authorities to tackle smoke emissions from domestic solid fuel burning, which is a major source of fine particulate matter.

Any new burdens placed on local authorities through the air quality measures in this Bill will be funded by Defra as per the new burdens principle. £880 million has been made available to support local authorities who have been directed to reduce their nitrogen dioxide emissions to develop and implement local air quality plans and to support those impacted by these plans.. Local Authorities also have access to the Air Quality Grant Programme, which provides funding to local authorities to tackle locally identified air pollution issues.

## **Reducing the effects on health for vulnerable populations like children, especially around schools**

Children and those with health conditions which make them more vulnerable to health impacts from poor air quality, are impacted in multiple locations. While targeted action can be taken, for instance around schools, children will also be exposed at home, while travelling and during other activities.

Any action focused on children and other vulnerable groups needs to be part of a wider programme of action that seeks to take a systematic approach to improving air quality. That is the approach we have taken in the Clean Air Strategy, which will improve air quality for all. In addition, our Air Quality Grant Programme provides funding to local authorities to tackle locally identified air pollution issues, including around schools, and local authorities have discretionary powers to restrict car access to schools and enforce anti-idling laws.

When we review the Air Quality Strategy, we will consider including measures focused on protecting those most vulnerable to air pollution, including children.

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