

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Tenth Delegated Legislation Committee

DRAFT AIR QUALITY (DESIGNATION OF RELEVANT PUBLIC AUTHORITIES) (ENGLAND) REGULATIONS 2022

Thursday 24 November 2022

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The Committee consisted of the following Members:

Chair: †MRS PAULINE LATHAM

Allan, Lucy (<i>Telford</i>) (Con)	† Pow, Rebecca (<i>Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs</i>)
Blake, Olivia (<i>Sheffield, Hallam</i>) (Lab)	† Stewart, Bob (<i>Beckenham</i>) (Con)
† Burgon, Richard (<i>Leeds East</i>) (Lab)	Tarry, Sam (<i>Ilford South</i>) (Lab)
† Clarkson, Chris (<i>Heywood and Middleton</i>) (Con)	† Wakeford, Christian (<i>Bury South</i>) (Lab)
† Duddridge, Sir James (<i>Rochford and Southend East</i>) (Con)	† Warman, Matt (<i>Boston and Skegness</i>) (Con)
† Elphicke, Mrs Natalie (<i>Dover</i>) (Con)	Winter, Beth (<i>Cynon Valley</i>) (Lab)
† French, Mr Louie (<i>Old Bexley and Sidcup</i>) (Con)	† Zeichner, Daniel (<i>Cambridge</i>) (Lab)
† Hudson, Dr Neil (<i>Penrith and The Border</i>) (Con)	Abi Samuels, <i>Committee Clerk</i>
† Jones, Fay (<i>Brecon and Radnorshire</i>) (Con)	
† Lewell-Buck, Mrs Emma (<i>South Shields</i>) (Lab)	† attended the Committee

Tenth Delegated Legislation Committee

Thursday 24 November 2022

[MRS PAULINE LATHAM *in the Chair*]

Draft Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022

11.30 am

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rebecca Pow): I beg to move,

That the Committee has considered the draft Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022.

May I welcome you to your place, Mrs Latham, in your very first role as Chair? I am honoured that it is for this statutory instrument. The regulations were laid before this House on 27 October. They designate National Highways as a relevant public authority under part 4 of the Environment Act 1995, as amended by the Environment Act 2021, which so many of us in this room have come to know and love, as we spent so long working on it.

The effect of the regulations is to place a duty on National Highways to collaborate with local authorities in achieving their local air quality objectives. Air pollution continues to reduce significantly. Since 2010, nitrogen dioxide levels have reduced by 44% and PM2.5 levels by 18%. However, there is a particular contributor that must be tackled further to make even more of the difference that we need. Road vehicles contribute to both nitrogen dioxide and PM2.5 in our atmosphere, and we are committed to driving down emissions further across all modes of transport.

Mrs Natalie Elphicke (Dover) (Con): The Minister raises the important point of road vehicles and the impact of air pollution. Does she agree that it is of grave concern that, as many will know, in Dover there is a residential area next to queuing traffic on the A20 at Aycliffe, on the Dover traffic assessment project? That is causing considerable concern about the health and wellbeing of children and others who live in that residential area. Will the regulations help to address that?

Rebecca Pow: My hon. Friend gets right to the crux of the SI. If she listens, she will be pleased. This measure, brought in by the Environment Act, was something that was missing, and will make a difference.

It is important that the national Government continue to play our part in driving action that improves air quality, but it is also important that we enable local authorities to take meaningful action in their areas, such as that of my hon. Friend the Member for Dover. Our local authorities rightly have the responsibility to review and assess air quality in their areas, and to act when statutory air quality objectives are not met. Those air quality objectives are concentration limits for certain pollutants set by regulation.

The local air quality management framework already requires local authorities to declare an air quality management area where air quality objectives are exceeded. They must then set out an action plan for bringing pollution levels down in that area. That will often require working with partners. The Environment Act 2021 has already created a much more collaborative framework for air quality partners, which many different individuals and parties called for.

Dr Neil Hudson (Penrith and The Border) (Con): Does my hon. Friend agree that the statutory instrument reaffirms the importance of the Environment Act 2021 and of setting air quality targets? It reflects many of the findings of last year's report on air quality by the Environment, Food and Rural Affairs Committee. Local authorities, public bodies and people need to strive to improve air quality, and the regulations encourage that.

Rebecca Pow: I commend the Committee for that report. Air quality is the biggest threat to human health, and it often seems to get overlooked. It is by working together that we will tackle it.

The Act already requires all tiers of local government and the Environment Agency to work together, where appropriate, to meet air quality objectives and also requires them to co-operate with neighbouring authorities, because air does not stay in one place. Indeed, Dover has a lot of pollution coming over from the continent, which is a serious issue and difficult for us to control.

Bob Stewart (Beckenham) (Con): On that point, will the Minister give way?

Rebecca Pow: May I get to the crux of the matter first, before I take my right hon. Friend's intervention?

Critically, the Act sets out powers for the Secretary of State to designate other relevant public authorities as air quality partners. Traffic on the strategic road network, for which National Highways is responsible, has, in many cases, resulted in local authorities not meeting their air quality objectives, which gets to the heart of the Dover problem. Following overwhelming support from a public consultation, the SI would designate National Highways as an air quality partner, requiring National Highways to collaborate with local authorities to address local air quality problems. National Highways will be the first "relevant public authority."

Bob Stewart: I feel for the local authorities. They do not have any control over National Highways, and yet they are going to be planted with responsibility to get the air quality up and pollution down, but how the heck do they do that? How do they practically do that? It is all very well our mouthing off here that they have responsibility for it, but I feel sorry for the local authorities.

Rebecca Pow: The whole point of the SI is to make a difference. In all honesty, it was frustrating that although National Highways has been working with local authorities in many cases, there has been no consistency to that. The regulations will enable that more consistent approach because National Highways must be brought into discussions about the air quality action plans with which each local authority is tasked, if there is a problem with the air in

their area. That will make a big difference. In my time as Minister, consistency has been constantly raised with me as a tricky issue, and I am certain that the regulations will definitely make a difference.

National Highways will determine the actions it takes, which will also have to be consistent with its responsibilities under the road investment strategy. Bearing in mind that National Highways is responsible for 4,300 motorways and A roads, a significant network of roads will now be included in considerations relating to pollution. Practical actions that National Highways could undertake include speed restrictions, which can help reduce pollution, and improvements to road infrastructure or signage to improve traffic flow.

Sir James Duddridge (Rochford and Southend East) (Con): I had not intended to make a contribution, but with Mrs Latham in the Chair, I wanted to make a small impression. May I assure the Minister that National Highways works really well with some local authorities? The A127 has some specific problems with pollution around the Basildon area and National Highways has come together with the local authorities—it is quite complicated because there are two unitary authorities, including a county council—and we are working to try to get the A127 re-runked so it will be part of National Highways. Despite not having responsibility for the A127 now, National Highways is already engaging in those local environmental issues.

Rebecca Pow: I thank my hon. Friend for making that point because, as I said, in many cases National Highways is working with local authorities, but there is no constituency to that, so I am very pleased to hear about that example. That is probably driven by local characters, potentially the Member of Parliament is behind it and getting heads together, which is so often part of solving a lot of such problems.

My hon. Friend gave a good example of somewhere where neighbouring authorities are involved. Given the various different structures of local authorities, we have clarified duties on upper-tier authorities in order to create a more collaborative framework so that all authorities with responsibility for our roads co-operate to address the serious issue of pollution.

Over the summer, we provided newly published guidance to local authorities on how they should work with air quality partners. We will also be providing further statutory guidance to support that collaborative working between the local authorities and National Highways specifically. In line with the published guidance, there is no need to conduct an impact assessment for the SI because no, or no significant, impact on the private or voluntary sector is foreseen, as it is limited to requiring action from National Highways. The territorial extent of the regulations is England only, as air quality is a devolved matter.

I hope that hon. Members, including the shadow Minister, the hon. Member for Cambridge, will agree that the regulations provide a really important strengthening of the local air quality management framework by enabling local action on air pollution that will help reduce the negative impact on health that is faced by so many of our communities, especially those living near roads. As I said, with air pollution being the single biggest threat to human health, this is clearly a really important step. As the Minister who was involved in the

Environment Act 2021, I am really pleased that we are actually forging ahead and introducing this measure, which I commend to the Committee.

11.41 am

Daniel Zeichner (Cambridge) (Lab): I echo the congratulations to you, Mrs Latham. It is a pleasure to serve with you in the Chair. It is also a pleasure to have the Minister back in her place. I am standing in for my hon. Friend the Member for Newport West (Ruth Jones); she has a long-standing engagement, visiting Chester Zoo in her role as shadow animal welfare Minister. She has asked me to send her best wishes to the Committee today.

Before us are the Air Quality (Designation of Relevant Public Authorities) (England) Regulations 2022, which we agree are an important set of regulations that allow us to address the increasingly important challenge of cleaning our air, protecting our lungs and saving our planet. I know from discussions that my hon. Friend the Member for Newport West has had with colleagues in the sector and various stakeholders, such as Tim Dexter at Asthma and Lung UK, Ruth Chambers at the Green Alliance as well as the mighty crew at ClientEarth, that the view is that the regulations are to be welcomed because they allow us to go that little bit further in the battle to preserve our environment. The Opposition agree and we will not be opposing them, but I would like to note the importance of the many demands for sustainable, long term and comprehensive action on cleaning our air. The Minister was characteristically optimistic about the state of that battle; others are slightly less positive and think there is much more to be done.

A key element of preserving our environment is clean air. It is vital that we remember that our ecosystems are damaged by toxic air and air pollution, as are our waterways and the natural habitats of our natural wildlife. And, of course, there is the impact on human life. Toxic air contributes to the deaths of people that we represent in this House. I recall that, in a speech given by my hon. Friend the Member for Newport West back in 2020, she noted that, following a number of legal challenges by ClientEarth in the High Court, the Government were forced to direct 61 local authorities to bring nitrogen dioxide levels on local roads within legal limits as soon as possible.

The regulations will allow, in part, for the expansion of clean air zones in cities that National Highways runs through. We have already heard the example of Dover; I understand the Birmingham ring road would be another good example of somewhere where there would be a benefit. This is to be welcomed as we look to be doing more and going further, but it would be helpful to understand from the Minister what support will be provided to local authorities. I rather echo the points made by the right hon. Member for Beckenham because they are also responsible for the local road network and their own fleets, and will play an important role in the fight to clean our air. Including National Highways is positive, but more agencies means more work and more liaison, so what resources are the Government making available, or is it just another unfunded demand?

We want action; we do not want hot air; we want action, and that means weighing up all factors. In conclusion, the Environment Act 2021 should have been used to finally tackle toxic air in England. Disappointingly for

[Daniel Zeichner]

many in the sector and out in the country, nothing in the Act will stop the UK continuing to fall behind the EU when it comes to the green agenda and our environment. Indeed, in recent years, the Government's air quality proposals have been ruled unlawful multiple times.

The task of making our air cleaner starts with each of us. It is important that we are all aware of the air pollution levels in the communities we live in, so we know the local challenge facing us all. Air quality management areas have an important role in that, but I ask the Minister to comment on how effective she thinks they have been. The regulations should help to make them more effective, but more needs to be done. I hope that the debate on the regulations, the comments that we have heard in the discussion and the determination of Opposition Members to keep raising these issues show Ministers that we do not want warm words—we want real action.

11.44 am

Rebecca Pow: I thank all hon. Friends, in particular, who contributed to this SI debate. That demonstrates how important this issue is, because we do not often get so much engagement on a SI. I think it shows that we are absolutely on the right track and this measure is much needed. I welcome and thank the shadow Minister, not only for his warm welcome but for supporting the measure today. As we discussed in relation to the Environment Act, this change is so needed and called for; indeed, many people have been calling for it for many years.

The shadow Minister raised the issue of funding for local authorities. As he well knows, local authorities already receive grant in aid funding for air quality. We have a whole range of ways in which we tackle air quality; that is done through a range of grants. Local authorities get the air quality grant. That helps them with projects—for example, improving roads around schools or putting speed-slows measures in or rerouting. Since 2010, £42 million has been awarded for 500 such projects. We also have the nitrogen dioxide programme, which has had £883 million directed towards it. It is specifically for tackling nitrogen dioxide. We have the clean air fund as well. That tackles, for example, bus retrofits and the upgrading of vehicles so that they are not churning out the kinds of pollution that we want to reduce.

Daniel Zeichner: It is very good news to hear that £42 million has been spent. Has the Department measured what the outcomes of that £42 million have been?

Rebecca Pow: Of course, there is constant review on the targets, as the hon. Gentleman knows. Indeed, we are introducing further targets, which I think he will agree will make a great deal of difference, on PM2.5 and population exposure. All of this is driving towards getting cleaner air. As I pointed out in my opening speech, our air has improved. It is just that it needs to improve a great deal more. On the funding point, we believe, through our consultation and work that we have done, that there is sufficient funding for local authorities to carry out their statutory duties. Also, it should be remembered that National Highways is funded by the Department for Transport, and that includes funding for its environmental obligations, which include action on improving air quality. Working together more collaboratively is the key to that. Guidance has already been sent to local authorities on how to operate with their new air quality partners; and so far, according to the consultation that we have done, it is all being well received.

I think that that concludes the answers to the shadow Minister's questions. As I have outlined and as has been said, National Highways already works alongside local authorities and has had to consider actions to improve air quality to address NO₂ exceedances, because we have national statutory concentration limits on the strategic road network. But it is true to say that a lot of those roads are not meeting the limits. This instrument is proposed in the spirit of the work that National Highways is already doing. It clarifies that National Highways, as a newly designated partner, will now have this added role in working with local authorities where there are exceedances of air quality objectives. I think that that will create a much more consistent framework across the piece and that this instrument will make a difference in how local authorities can contribute to improving air quality. I call this a very positive day for air quality—not least, of course, for those who experience an impact on their health from air quality. I commend the draft regulations to the Committee.

Question put and agreed to.

11.49 am

Committee rose.

