**Background to the LINK decision to resign from the Cleaner Air for Scotland Governance Group**

Representing LINK, Emilia Hanna and James Curran served on the Cleaner Air for Scotland (CAFS) Governance Group (CAFSGG) since February 2016. The Group was constituted to oversee the creation of the necessary mechanisms so that the Scottish Government could deliver the many targets set out in the Cleaner Air for Scotland strategy, published in 2015 (<http://www.gov.scot/Publications/2015/11/5671> ). It was made clear that the ultimate responsibility for delivery lay with the Government.

LINK regarded this as a valuable opportunity to contribute to the resolution of some long-standing social and environmental issues associated with air pollution.

 Last year’s report from the European Environment Agency (<https://www.eea.europa.eu/publications/air-quality-in-europe-2017> )(on page 9) , whose job it is to provide the evidence base for developing European environmental policy, stated that there were around 75,000 premature deaths per year due to nitrogen dioxide (NO2) alone across the Europe.

A recent briefing to the Scottish Parliament (<http://www.parliament.scot/ResearchBriefingsAndFactsheets/S5/SB_16-35_Air_Quality_in_Scotland.pdf> ) confirmed that an estimated 40,000 premature deaths are caused due to air pollution across the UK (page 8). The CAFS strategy itself states (page 10) that, in 2010, fine particulate matter, alone, “was associated with around 2000 premature deaths” in Scotland. A briefing by Friends of the Earth Scotland (FoES) (<https://foe.scot/wp-content/uploads/2017/09/FoES-briefing-Air-Pollution-in-Scotland-Sep-2017-web.pdf> ) lists numerous health impacts of long term exposure to air pollution at levels present on Scottish streets (page 2), including heart attack and stroke, and refers to the World Health Organisation’s identification of outdoor air pollution as a leading cause of cancer deaths. FoES estimates a total of 2500 early deaths in Scotland due to air pollution, more than 10x the number of people killed in traffic accidents. This is based on Public Health England’s assessment that air pollution from fine particles alone (PM2.5) is responsible for an equivalent 2000 deaths in Scotland each year (<https://www.gov.uk/government/publications/estimating-local-mortality-burdens-associated-with-particulate-air-pollution>) and an assessment from the Royal College of Physicians that, across the UK, exposure to NO2 and PM2.5 air pollution results in an equivalent 40,000 annual deaths (<https://www.rcplondon.ac.uk/projects/outputs/every-breath-we-take-lifelong-impact-air-pollution> ).

The CAFS strategy also says (Section 1.5 on page 9) that “Air pollution disproportionately affects the most vulnerable members of society, including the very young, the elderly, people with existing medical conditions and those living in deprived urban areas”. Several years ago, in response to the “Environmental Justice” agenda , a study found a strong relationship between deprivation in Scotland and exposure to the highest levels of air pollution (<http://eprints.staffs.ac.uk/1828/1/1828.pdf> )(page 129 and section 14.5.2).

The first LEZ is proposed for Glasgow city centre and, only 4 months ago, Glasgow’s own Centre for Population Health stated “We also know that many transport-related pollutants are disproportionately concentrated in deprived areas in Scotland …” (Para 1 in <http://www.gcph.co.uk/assets/0000/6339/GCPH_response_-_low_emission_zones.pdf> ).

The Scottish Government committed, in the CAFS strategy, to “full compliance with EU air quality legislation” by 2020. This is because there are serious implications of infringement. The High Court of Justice has, three times, ruled that there is a failure within the UK to address the Directive (2008/50/EC on ambient air quality) adequately. It ordered, most recently, (<https://www.documents.clientearth.org/wp-content/uploads/library/2018-02-23-high-court-order-on-clientearth-no3-vs-ssefra-liberty-to-apply-and-air-pollution-plans-ext-en.pdf> ) that air quality standards must be met as fast as possible, and that cost could not be used as an excuse (see paras 76 and 99 of Mr Justice Garnham’s reasoning) (<https://www.judiciary.gov.uk/wp-content/uploads/2018/02/clientearth-no3-final-judgmentdocx.pdf> ). This is a court with jurisdiction in England & Wales, not Scotland, but its judgement remains the best guidance on interpretation of the European Directive – which, of course, applies equally in Scotland.

Coincidentally, the European Commissioner, Karmenu Vella, has just announced that he will imminently be pursuing a number of member states through the European Court of Justice (ECJ). The UK is certainly on his short-list, but it hasn’t yet been revealed which cases will be brought forward (<https://metamag.org/2018/03/26/toxic-bloc-countries-will-face-court-for-failure-to-clean-up-air/> ). Paying out potentially large fines imposed by the ECJ is a significant waste of public money which could be used to address failing air quality in the UK.

The recent proposal for Glasgow’s, and Scotland’s first, low emission zone (<https://www.glasgow.gov.uk/councillorsandcommittees/viewDoc.asp?c=P62AFQDN2U2UUTDN2U> ) was judged by LINK representatives on CAFSGG to fall well short of the necessary criteria to satisfy the European Directive requirements and would also not satisfy the principal objective of CAFS itself – to ensure “full compliance with EU air quality legislation” by 2020. This is based on modelling results, made available to CAFSGG, indicating that pockets of illegal air quality will remain in Glasgow even if all buses are upgraded to be Euro VI compliant (<https://www.dieselnet.com/standards/eu/hd.php> ). However, the Glasgow proposal would see only 60% of buses meeting that standard by 2020, with no complementary restrictions on other vehicles before 2021.

Over the past two years, LINK representatives raised many and varied concerns about delivery at CAFSGG meetings. However, LINK representatives have now regrettably concluded that CAFSGG has failed to deliver on its remit and, more importantly, Government continues to fail to implement the commitments of the CAFS strategy in such a way as to comply with legislation. Crucially, there is continued failure to protect the people of Scotland from dangerous levels of air pollution.

For these reasons, LINK can no longer lend its reputation and credibility to the process and formally withdrew its representation from the CAFSGG on 24 March 2018 (<http://www.scotlink.org/wp/files/documents/PRLINKResignsCAFSGGMar18.pdf> ).

We remain keen to engage in robust debate now, which focusses on the facts, is motivated to address the issues swiftly, with public funding directed in the ways that will best do so.

28/3/2018