

17 March 2021

Rebecca Pow MP
Rachel Maclean MP
Parliamentary Under Secretary of State for Transport

Cabinet Office
Wiltshire Council
County Hall
Trowbridge
Wiltshire
BA14 8JN

Our Ref: PW/PT/PW21032

Dear Rebecca Pow and Rachel Maclean

Re. Bath Clear Air Zone – Request to Exclude Parts of A36 and A4

I refer to the joint Ministerial response dated 9th March.

To be blunt, I consider the response largely avoids the issue, and fails to acknowledge our point that BANES' forecast of wider impacts have a strong chance of being proved wrong.

May I direct you towards two complementary aspects of Defra/DfT's guidance issued in respect of Clean Air Zones. (Clean Air Zone Framework - Principles for setting up Clean Air Zones in England - February 2020)

Firstly, the guidance sets out clear advice on the need for monitoring. More specifically it requires:

An important part of developing understanding and maintaining a focus on the aim of a Clean Air Zone will be monitoring its impacts and ensuring it is achieving its objectives for NO₂ and other pollutants.

Secondly, the guidance sets out equally clear 'minimum requirements' relating to wider impacts and displacement. Specifically:

In implementing a Clean Air Zone, local authorities will need to consider the impact on local residents, and the need for any mitigating measures and

...ensuring that Clean Air Zone proposals will not result in the displacement of the most polluting vehicles away from town centres to surrounding areas.

Those requirements are logical, essential and clearly linked.

Insofar as BANES' CAZ is concerned, it seems to me that neither requirement has been satisfied.

In short, monitoring is confined to examining impacts solely within the CAZ, the consequence being that displacement and associated impacts on communities outside the zone are left unmonitored, thus failing basic 'minimum requirements'.

The responses from yourselves and BANES refuse to accept the responsibilities clearly set out above, at best indicating that JAQU officials will work with BANES council on possible short-term, additional provision for traffic monitoring, to assist with ongoing air quality work.

I am afraid that the vague suggestion goes nowhere near addressing the problem that the Council and our MPs have identified.

Monitoring outside the Clean Air Zone needs to be in place from the outset, with agreement on remedial action if improvements to Bath's air quality occur at the expense of worsening declared AQMAs elsewhere.

It will do none of us any credit if this matter escalates to a more formal (and publicly visible) challenge on procedural/legal grounds, but I am not prepared to let the matter rest.

I ask you to reconsider your position in the light of the above and ask for a more constructive response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. Whitehead', with a stylized flourish at the end.

Philip Whitehead
Leader

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Copied Michelle Donelan MP
Andrew Murrison MP