

# Response to the consultation on tackling nitrogen dioxide in our towns and cities

15 June 2017

## About Energy UK

Energy UK is the trade association for the GB energy industry with a membership of over 90 suppliers, generators, and stakeholders with a business interest in the production and supply of electricity and gas for domestic and business consumers. Our membership encompasses the truly diverse nature of the UK's energy industry – from established FTSE 100 companies right through to new, growing suppliers and generators, which now make up over half of our membership.

Our members turn renewable energy sources as well as nuclear, gas and coal into electricity for over 26 million homes and every business in Britain. Over 619,000 people in every corner of the country rely on the sector for their jobs with many of our members providing long-term employment as well as quality apprenticeships and training for those starting their careers. The energy industry adds £83bn to the British economy, equivalent to 5% of GDP, and pays over £6bn in tax annually to HM Treasury.

## Consultation Questions

We wish to provide the following response to the consultation on tackling nitrogen dioxide in our towns and cities. This response is relevant to Questions 1 and 8.

**Question 1: How satisfied are you that the proposed measures set out in this consultation will address the problem of nitrogen dioxide as quickly as possible?**

**Question 8: Do you have any other comments on the draft UK air quality plan for tackling nitrogen dioxide?**

As identified in Figures 3a, 3b and 3c of the draft UK air quality plan for tackling nitrogen dioxide (NO<sub>2</sub>), industry, including the energy sector, does not make a significant contribution to roadside concentrations of NO<sub>x</sub> on either a national or urban scale. Hence, taking further action to reduce industrial emissions would only have a minimal impact on concentrations at the roadside locations where the annual mean NO<sub>2</sub> air quality standard is currently exceeded. The transport sector is consistently identified as the dominant contributor to NO<sub>2</sub> concentrations in these areas. **We therefore support the proposed focus on actions to reduce impacts from transport sources as the primary means of delivering compliance with the UK NO<sub>2</sub> air quality objectives.**

Section 7.3.10 and Annex H of the draft UK air quality plan for tackling NO<sub>2</sub> note the proposed new measures to tackle emissions of NO<sub>x</sub> from Medium Combustion Plants (MCPs) and generators. These proposals have been consulted on with a high level of stakeholder interaction involving operators, equipment manufacturers and NGOs and we are confident that the final framework will represent a robust and appropriate approach to the regulation of MCPs. Importantly, the consultation on transposition of the Medium Combustion Plant Directive<sup>1</sup> notes that Defra has considered whether it is appropriate to adopt different controls for generators within Air Quality Management Areas (AQMAs), concluding that the proposed controls (comprising emission limits, operating hour restrictions and regulatory requirements to ensure any breach of air quality standards is avoided) will ensure that the contribution to annual NO<sub>2</sub> concentrations from such plant will be very small and hence additional AQMA-specific measures would not be necessary.

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<sup>1</sup> <https://www.gov.uk/government/consultations/improving-air-quality-reducing-emissions-from-medium-combustion-plants-and-generators>

Local Authorities are already required to consider the potential air quality impact of industrial plants that are subject to planning permission and have the powers to set conditions that safeguard local air quality, where appropriate.

**We therefore consider that this forthcoming legislation in combination with existing local authority powers is the appropriate framework for regulation of industrial emissions within air quality exceedance zones and that additional regulations or actions are not required.** Any such additional requirements would effectively constitute double regulation of these sources, which would only lead to uncertainty and loss of legal and regulatory clarity for both operators and regulators.

It is important to note that, in addition to the health impacts, high background levels of NO<sub>2</sub> can represent a barrier to further development in areas where the air quality standard is exceeded, even when the additional contribution from proposed new development is extremely small. We consider that it is imperative that a robust approach to reducing the impacts of transport on air quality is implemented, comprising action at both national and Local Authority level. We therefore have concerns that the current consultation contains little in the way of firm or mandatory new initiatives. We recognise that Local Authorities will generally be the most appropriate implementers of action to reduce local concentrations; however, it is important that they are supported both in terms of expertise and additional funding to ensure that the ambition of the proposed plan to tackle NO<sub>2</sub> concentrations becomes a reality.

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