



Department for Environment, Food and Rural Affairs

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Our ref: RFI 6496

May 2014

REQUEST FOR INFORMATION: AIR POLLUTION INFRACTION FINES

Thank you for your request for information about air pollution infraction fines. We have handled your request under the Environmental Information Regulations 2004 (EIRs).

By way of background, in February 2014 the Commission started infraction proceedings against the UK because the UK Supreme Court made a declaration that the UK was in breach of its obligations to comply with the limit values for Nitrogen Dioxide (NO₂) in the Air Quality Directive.

The infraction covers 16 zones (out of 43) which are the subject of the declaration made by the UK Supreme Court. These are zones for which the UK did not apply for a time extension under the Air Quality Directive because we could not demonstrate that they would meet the limit values by 2015.

We are committed to ensure compliance as soon as possible and are investing in transport initiatives to reduce local air pollution, especially in our towns and cities. For example, since 2010, over £1 billion has been invested in measures to promote the uptake of ultra-low and zero emission vehicle technologies.

You requested the following specific information:

- 1) Can you confirm that DEFRA has sent emails to local authorities regarding what would happen if infraction fines were levied against the UK in regard to failure to meet air quality standards?

I can confirm that Defra sent emails to local authorities in England (the Devolved Administrations did the same for their areas) to inform them of the EU Commission's decision to commence infraction procedures against the UK for non-compliance with NO₂ limit values.

- 2) Can you please provide a copy of such emails?

I attach two pdf versions:

Annex A: this version was directed at local authorities within the zones identified by the Commission as part of the infraction process.

Annex B: this version was directed at local authorities outside the zones indicated by the Commission.

- 3) If there has been an email of this kind sent to Winchester City Council, has there been any other correspondence between DEFRA and WCC relating to this email?

I can confirm that an email was sent to Winchester City Council. We have no record of any other correspondence between Winchester City Council and Defra related to infraction.

We have removed details in the reports which identify individuals and their direct contact details. These personal data are being withheld as the information falls under the exception in regulations 12(3) and 13(2) (a) (i) of the EIRs which relate to personal data relating to third parties.

In keeping with the spirit and effect of the EIRs, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you may now be published on our website together with any related information that will provide a key to its wider context.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely,

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 1B, Ergon House, Horseferry Road, London, SW1P 2AL (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our [website](#).

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF

