

The Hothouse
274 Richmond Road
London E8 3QW
t +44 (0)20 7749 5970
f +44 (0)20 7729 4568

Avenue de Tervueren 36
1040 Brussels
t +32 (0)2 808 34 65
f +32 (0)2 733 05 27

Aleje Ujazdowskie 39/4
00-540 Warszawa
t +48 22 3070190

info@clientearth.org
www.clientearth.org



To:
Janez Potočnik
Commissioner for the Environment
European Commission
Environment Directorate-General
B-1049 – Brussels
Belgium

From:
Alan Andrews

By:
email

London, 08 March 2011

Dear Commissioner Potočnik

Time Extension Notification to apply PM10 limit values in Greater London

I write with regard to the Commission's imminent decision on the UK's resubmitted time extension notification for the PM₁₀ daily limit value in Greater London.

ClientEarth and a number of other organisations, including Environmental Protection UK and the Campaign for Clean Air in London, have repeatedly expressed concerns regarding the methodology that the UK has used to subtract contributions from sea salt from its projected exceedances of the daily limit value in 2011.

As you know, the UK's projected compliance with the daily limit value in 2011 relies on subtraction of sea salt. The number of projected exceedances of the daily limit value in 2011 at the Marylebone Road monitoring station reduces from 43 to 32 (i.e. below the maximum 35 days of exceedance) once sea salt has been deducted.¹

However, this calculation uses a methodology for deducting sea salt which is based on the annual mean.² This is a methodology which, according to the Commission's guidance on the subtraction of exceedances from natural contributions, is not reliable:

¹ Defra, 'Update to the Time Extension Notification for the daily mean PM10 limit value for Greater London Agglomeration Zone, UK' Table 3, page 12.

² Defra, 'UK's technical report to accompany UK PM10 Time Extensions Notification forms' (April 2009) pp. 42-49.

"The methodology based on annual averages seems to be not adequate to investigate daily averages as the meteorological conditions leading to those elevated contributions are very specific."³

The guidance further provides that:

"In order to demonstrate that a daily exceedance is attributable to natural sources, sea salt in this case, it should be demonstrated that on that specific day the exceedance is caused by the natural contribution and this can only happen through its quantification..."⁴

When we met in London in January you explained that the Commission had no choice but to trust information provided by member states, but that where concerns are expressed by NGOs and other stakeholders, the Commission will ask the member state for clarification. Requesting that the UK recalculate its projected compliance with the daily limit value in 2011 in Greater London in accordance with the Commission's guidance would seem to be essential clarification in this case.

We would therefore urge you to request this information from the UK before making any decision on the time extension notification for Greater London.

Yours sincerely



Alan Andrews

Lawyer, CleanAir programme
+44(0) 2077495976
aandrews@clientearth.org

cc.

Marianne Wenning
Thomas Verhey
Beatrice Zaremba
Helen Ainsworth, Defra
Simon Birkett, Clean Air in London
Ed Dearnley, Environmental Protection UK
James Grugeon, Environmental Protection UK

³ European Commission, 'Commission Staff Working Paper establishing guidelines for demonstration and subtraction of exceedances attributable to natural sources under the Directive 2008/50/EC on ambient air quality and cleaner air for Europe' (February 2011) p. 28.

⁴ Note 3 above, p.27.