

## ClientEarth Impact Report to People's Postcode Lottery

Clean Air Programme (January – December 2018)

---

### Goals and Context

ClientEarth's **Clean Air UK** programme aims to ensure that the UK complies with legal limits of air pollution. Through utilising the combination of ClientEarth's legal, public affairs and campaigning expertise, we have been able to successfully set a legal precedent in the clean air debate. Support from players of People's Postcode Lottery (PPL) has enabled ClientEarth to work with our national coalition partners to help mobilise local campaigning across the UK. We have also been able to increase political pressure on local and national government for more ambitious action to tackle air pollution. PPL's support has therefore been instrumental to our success in prompting decision-makers to announce measures towards cleaning up the UK's polluted air. PPL's core contribution has also allowed ClientEarth to strengthen internal infrastructure to drive forward our clean air programme, by allowing us to implement new systems and processes to support our impactful programmatic work.

Our **four objectives** under the 2018 PPL grant were:

1. Explore the options for the next steps of **our legal strategy** following the release of the Government's air quality plans, to ensure they are strong enough to bring the UK in compliance with the legal standards of air pollution in the shortest time possible.
2. Launch a **vocal public debate** across the country on the need to tackle air pollution and reduce emissions from transport, to bolster our efforts of putting pressure on decision-makers nationally.
3. Advocate for a new **Clean Air Act** to enshrine and improve current legal obligations to protect the generations to come.
4. Ensure that ClientEarth's **internal structure and systems** support the development of our programmatic work in particular our flagship UK Clean Air programme.

### Main achievements in 2018

ClientEarth's main achievements in 2018 include:

- We defeated the government in court over its inadequate air pollution plans **for the third time** in February. We also made history as the judge made an 'exceptional ruling' allowing us to take **the case straight back to court** if the government's revised plans are still unlawful.
- Our campaign and public affairs work to tackle air pollution in the UK has translated into action, including various media stories about our efforts, as well as the Mayor of **London confirming the expansion of London's Ultra Low Emission Zone (ULEZ)** in June.
- We launched and established our **Clean Air for Children's Programme (CAfCP)** with a successful parliamentary reception, which called on the UK Government to fund and coordinated activity to tackle illegal and harmful air pollution around schools, nurseries and playgrounds.

## Activities and impact in 2018

This report draws out some highlights of the work programme that demonstrate where we have had impact.

### 1. Developing a legal strategy following the release of the Government's clean air plans

Our High Court victory in February 2018 declared the **Government's failure to require action from 45 local authorities with illegal levels of air pollution** in their area unlawful. The judge ordered ministers to require local authorities to investigate and identify measures to tackle illegal levels of pollution and that the UK Government publish a Supplement to the national Air Quality plan.

Since then, local authorities have been consulting on their air quality plans to ensure that they tackle air pollution as much as possible. In order to ensure that these air quality plans are of a high standard, we met with the Secretary of State of DEFRA and his advisor in April and July 2018 to discuss their approach and to advocate for stricter and more impactful air quality plans. These meetings and subsequent contact with civil servants has enabled us to directly provide feedback to the process and has played a vital part in our legal strategy to ensure that the UK Government and local authorities comply with their legal duty to protect people from illegal levels of pollution. After the legal action, the UK Government also published its Supplement to the national Air Quality plan in October 2018.

In addition, we managed to secure a question at Prime Minister's Questions from a Brentford MP on our court victory, posing the question of "What does the Prime Minister feel is worse: losing for the third time in the High Court, or 40,000 unnecessary deaths and the impact on children's health of the UK's unsustainable air quality?" and forcing the Prime Minister to address the issue before Parliament. Another highlight from our successful legal action is that the Welsh Government also committed to producing the first Welsh Air Quality Plan to ensure that it complied with legal limits of air pollution in Wales.

### 2. Launching a vocal public debate on the need to tackle air pollution

ClientEarth's efforts in building partnerships and networks in the country's most polluted cities, including empowering the general public (e.g. other NGOs, the public, businesses and the media), have enabled us to widen the reach of our public debate on the need to tackle air pollution, and assert greater influence and pressure on key government actors.

#### Healthy Air Campaign (HAC)

Our Clean Air campaign team continued to coordinate and engage with the **HAC**, using it as a vehicle to amplify ClientEarth and its partner's advocacy message. As of today the group is now formed of 17 organisations from the environmental, health and transport sector, and continues to successfully expand its membership.

Over the past year, we have attended multiple events and roundtables to ensure the **need to tackle air pollution is included in relevant public and political debates**. For example, in October 2018, we attended UK Health Alliance on Climate Change (UKHACC) roundtable discussion on air quality where we were joined by representatives from Defra, Public Health England, Greater London Authority, as well as various health NGOs. This provided a useful platform to raise issues on the needs of the new clean air legislation and the need for national level coordination and support for Clean Air Zones (CAZs). We also facilitated e-actions in Leeds Southampton, Derby and Nottingham to facilitate **members of the public responding**

**to consultations on the local air quality plans being developed in response to our successful legal challenges**, some of which included the implementation of CAZs.

#### Clean Air Parents Network (CAPN)

The CAPN has been expanding its membership of parents across England and building relationships with local politicians in London. We have facilitated engagement between CAPN members and their councillors and MPs and also facilitated the creation of a Bristol CAPN to press for the council to implement school streets in the city. This has resulted in increased engagement and demand for action outside of CAPN target cities and new collaborations with Sustrans, a UK sustainable transport charity, and Playing Out, a parent and resident led movement to restore children's freedom to live healthily. In October 2018, we organised a parliamentary reception with our partners, the British Lung Foundation (BLF), to launch the Clean Air for Children's Programme (CAfCP), which called on the UK Government to fund and coordinate activity to tackle illegal and harmful air pollution around schools, nurseries and playgrounds. Over 70 CAPN members, parents and children, attended the event from across England and over 70 MPs attended and gave their support. The event was successful with **many MPs agreeing to support the CAfCP**.

#### Maintaining & building new relationships through public affairs work

Over the past year, we have had **numerous meetings with Select Committee Clerks and various MPs** from across parties to build relationships that promote and support our work on air quality, as well as the forthcoming Environment Bill. In September 2018, we spoke at two Lib Dem Party Conference events on air quality - one on a panel with councillors and a Member of the Scottish Parliament (MSP) and one on our own. This enabled us to communicate our key asks and maintain awareness of air pollution as a key political issue. We also spoke at an event at Labour Party Conference in September 2018 regarding air quality and the need for a new Clean Air Act. This was organised by Unlock Democracy, a pressure group who work to promote democratic reform, and we were able to raise awareness of air pollution councillors and MPs.

### **3. Advocating for a new Clean Air Act**

ClientEarth's ambition is for new legislation which will set more stringent air quality obligations, secure the rights of the public to access information, to participate in decision-making, and to bring cases where air pollution laws are inadequate. We have therefore been building public engagement on air quality and we continue to advocate for a new Clean Air Act. Additionally, we identified a new opportunity with the Environment Bill and we were invited to meet with DEFRA officials, who are developing the clean air elements of this Bill. This was an opportunity for us to discuss our proposals, and understand the direction in which the Government is headed. They welcomed our continued input, and were keen for us to share information and more detailed proposals. We followed up with a briefing paper on the "Right to Clean Air", which explained how the Bill could work to ensure that this right is maintained following Brexit. In June 2018, we provided oral evidence to the House of Lords EU Sub-Committee on Energy and the Environment regarding the impact of Brexit on air quality. From this, we influenced government and decision makers on the future of air quality legislation and environmental standards after Brexit.

### **4. Ensuring our internal structure and systems support the development of our programmes**

During the reporting period, ClientEarth has been building and growing its core operational capacity and updating the IT and Finance systems and infrastructure, including SharePoint.

Amongst other systems and processes, we have adopted a new budgeting monitoring tool, which went live in November 2018. The tool aims to streamline both our budgeting and forecasting processes, helping us to manage budgets for better efficiency and strategic financial planning for our programmes, including the clean air team, both in the UK and in the EU. We also adopted a case management tool to ensure effective management and monitoring of our growing volume of legal cases, both for our clean air work and organisationally. We have also implemented project management training for staff at all levels of seniority, to ensure there is a standardised and solid approach to all sizes of projects within the organisation.

## Challenges and learnings

The political volatility and the constant need to adapt our strategy has been the over-arching challenge, however, we have also had to balance and complement the legal analysis of the numerous local plans to tackle air quality being proposed, whilst engaging and mobilising members of the public. The legal analysis of the various plans has been time consuming and the result is often rather technical, which is then difficult to communicate in an engaging and accessible manner. Another challenge has been to encourage members of the CAPN to draw links between localised issues, for example, the levels of air pollution around children's schools, and the need for changes in policy at a local and national level. This is important in order to deliver a comprehensive solution, not just to target their own children's schools, but for the other schools as well. In addition, our Director of Programmes was on maternity leave from May to September 2018 and our Head of UK Public Affairs was on paternity leave from June to August 2018. Although this created a temporary decrease in dedicated oversight and senior management, it did not negatively impact the progress towards our outcomes.

## Going forward

At **programmatic level** in 2019, ClientEarth will continue to work towards its aims to ensure that the UK complies with legal limits of air pollution. We will implement our legal strategy to ensure lawful and effective air quality plans are adopted and we will continue to advocate for and support the drafting of ambitious 'clean air legislation'. ClientEarth will also work to increase awareness and public pressure for local and national governments to tackle air pollution, targeting key cities with some of the highest levels of pollution in the UK. We will also continue to build our partnerships and coordinate the HAC, and develop capacity at both local and national levels. At **organisational level**, we are rolling out a diversity and inclusion three-year plan to work towards a Board, Senior Management Team and overall workforce composition which reflects the diversity of each of the countries in which we work. In 2019, we aim to create a more agile, flexible workforce across our offices, including developing career path examples and running career workshops for our staff to demonstrate how they can develop their competencies.