

Appendix 1

Consultation on the implementation of clean air zones in England – Nottinghamshire County Council responses

Question 1: Are the right measures set out in Section 2?

Section 2 sets out the additional measures that will be delivered in the CAZs such as sustainable travel infrastructure and encouragement, low emission vehicles, planning etc.

Response: Yes

Question 2: Are there additional measures that should be highlighted under each theme? Please give evidence of impact if possible.

Response: Currently only the individual impacts of each new development within or close to Air Quality Management Areas are considered by planning authorities, and such planning authorities do not undertake air quality modelling of the cumulative impacts of proposed development. Planning guidance needs to highlight the need for planning authorities to consider the cumulative air quality impacts of all development (not just the impacts of each individual development) that will result in traffic travelling through the Clean Air Zone (or Air Quality Management Area); and, as part of the development control process in consultation with the highway authority, secure the appropriate measures to mitigate against this resultant traffic.

Currently only the individual impacts of each new development within or close to Air Quality Management Areas are considered by the local authorities with responsibility for local planning and environmental protection, and these authorities do not undertake air quality modelling of the cumulative impacts of proposed development. Planning guidance needs to highlight the need for planning authorities to consider the cumulative air quality impacts of all development (not just the impacts of each individual development) that will result in traffic travelling through the Clean Air Zone (CAZ) or Air Quality Management Area (AQMA); and, as part of the development control process, in consultation with the highway authority, secure the appropriate measures to mitigate against the impacts of resultant traffic on the CAZ or AQMA.

Question 3: In addition to the draft Framework, are there other positive measures that (a) local or (b) central government could introduce to encourage and support clean air in our cities?

Response: Yes

Question 4: Are the operational standards and requirements set out in Section 3 and Annex A of the Framework acceptable?

Response: Whilst not specifically related to the operational standards there is no consultation question on the development of any proposed CAZ. Paragraph 107 states that “Decisions about whether to introduce a charge based Clean Air Zone will need to take account of a wide range of issues both in the zone and in neighbouring areas” to reflect the requirement in the associated legislation to undertake such consultation. It is considered, however, that the Framework should be more explicit about the work that should be undertaken to ensure that polluting vehicles are not simply displaced on to neighbouring highway authorities’ (e.g. Highways England and local authorities) roads; thereby avoiding simply transferring the problem elsewhere. The Impact Assessment undertaken on the draft Framework clearly highlights that this is likely to happen and has even assessed its likely financial cost. Whilst the County

Council has a good working relationship with its neighbouring city authority it would be beneficial for the Framework to include obligations on the implementing authority to avoid unnecessary complications/disagreements when introducing a CAZ. It is therefore suggested that the Framework should include specific reference to:

- the requirement for the authority introducing a CAZ to work in partnership with neighbouring highway authorities to ensure polluting traffic is not displaced on to unsuitable roads
- the requirement for traffic modelling of any proposed CAZ to be undertaken by the authority introducing a CAZ to consider the potential impacts on neighbouring highway authorities' roads
- the requirement for this modelling to then be used to determine the geographic area of the CAZ and made available as part of the required consultation on the proposed CAZ funding available for the implementation of CAZs to be made available to neighbouring highway authorities (even if it is via the implementing authority) to ensure that polluting vehicles are not transferred on to unsuitable roads
- where traffic is displaced onto neighbouring authorities' roads, the implementing authority must make funding derived from a charging CAZ available to the neighbouring authority to help address the impacts of any displaced traffic on its highway networks.

Question 5: Do you agree that the requirements in Clean Air Zones for taxis and for private hire vehicles should be equivalent?

Taxis and private hire vehicles are included in all classes of Clean Air Zone. A local authority should use non-charging routes, such as licensing standards, before moving to charging these vehicles for entry. If, however, the vehicles are non-compliant to be consistent any local authority bringing in charging or licensing requirements for non-compliant hackney carriages should also place similar requirements on non-compliant private hire vehicles.

Response: Yes. Whilst it is agreed that the requirements should be the same for taxis and private hire vehicles there may be difficulty in determining when a private hire vehicle is being used for business and when it is being used for domestic purposes. The framework should give guidance on how this should be determined so that it is consistent across all clean air zones.

Question 6: Do you agree the standards should be updated periodically?

Response: Yes.

Question 7: If yes, do you agree that the minimum vehicle standards set out in the Framework should remain in place until at least 2025?

Response: Yes.

Question 8: Do you agree with the approach to Blue Badge holders?

In order to deliver the aims of the CAZ exemptions should be limited to those vehicles where it is difficult or uneconomic to adapt or those with specialist uses. Vehicles specifically adapted for use by disabled persons have their own tax class; and given the specialist nature of the conversion these will be exempt from charges. A Blue Badge rests with a person rather than a specific owner or driver of a vehicle, therefore it could be used with any vehicle. The draft Framework sets out a general presumption that Blue Badge holders should not be exempt from paying a charge within a CAZ, however, local authorities could choose to apply an exemption based on local circumstances.

Response: The draft Framework enables local authorities introducing a CAZ to apply an exemption for Blue Badge holders, if they wish. Once again, discussion on whether such an exemption should be applied should be made in consultation with neighbouring highway authorities.

Question 9: Is the approach set out suitable to ensure charges are set at an appropriate level?
The draft Framework states that the levels of charges for entering a charging CAZ will be set by local authorities. The Government will set out nationally recommended bands within which these charges should lie but they have not determined these bands yet. Maximum and minimum levels of charge will ensure levels are set at an appropriate level to address air quality issues without the potential for excessive revenue raising.

Response: Whilst the principle seems suitable it is not possible to fully answer this question until such time as there is an indication of the likely charge bands.

Question 10: Do you have any comments on the secondary legislation as drafted?
The legislation places a legal duty for the five authorities to implement a CAZ and refers to the legislation already in place enabling authorities to introduce CAZs

Response: No

Question 11: Do you agree with the approach undertaken in the impact assessment? If no, please provide supporting evidence?

Response: Yes

Question 12: Do you agree with the conclusions of the impact assessment? If no, please provide supporting evidence?

Response: Yes

Question 13: Are you aware of any additional data that could inform the impact assessment? If yes, please give details?

Response: No