

**19 January 2017****Agenda Item: 6****REPORT OF CORPORATE DIRECTOR OF PLACE DEPARTMENT****CONSULTATION ON THE IMPLEMENTATION OF CLEAN AIR ZONES IN  
ENGLAND****Purpose of the Report**

1. The purpose of this report is to update Committee on the consultation undertaken by government on the implementation of clean air zones in England.

**Information and Advice****Policy/strategy background****Clean air zones**

2. The national air quality plan for nitrogen dioxide (NO<sub>2</sub>) was published in December 2015 and sets out the measures the Government is taking to reduce NO<sub>2</sub> emissions and concentrations. The national air quality plan committed the Government to develop a Framework for the implementation of clean air zones (CAZs) so that they would be consistent in their operation and the expected outcomes from their delivery.
3. CAZs are defined geographic areas where targeted action is taken to improve air quality and where resources will be prioritised and coordinated in a way that will improve health and support economic growth in these areas. CAZs fall into two categories:
  - Non-charging CAZs – these are areas used as a focus for actions to improve air quality but do not include the use of charge based action restrictions (and are effectively the same as the existing air quality management areas)
  - Charging CAZs – these are zones, which in addition to the above, require owners to pay a charge to enter the zone if they are driving a vehicle that does not meet the particular vehicle standards.
4. Local authorities already have the powers to introduce CAZs (charging and non-charging models) as set out in Part III of the Local Transport Act 2000. The Air Quality Unit, a joint office representing the Department for Environment Food and Rural Affairs (DEFRA) and the Department for Transport (DfT), has, however, recently undertaken consultation on the draft Framework on the implementation of clean air zones in England (the consultation closed on 9<sup>th</sup> December 2016). The Framework sets out the principles and expected approach to be taken by local authorities when implementing and operating a CAZ.

5. In addition to setting out the standards for vehicles, the type of signing required etc. the Framework sets out what other types of actions should be delivered within the CAZ. These include, for example, the provision of walking, cycling, passenger transport and low emission infrastructure; promotion of walking, cycling, passenger transport and low emission vehicles; traffic management improvements and public realm improvements; local authority leadership in fleet procurement and operations, etc.
6. Five local authorities in England have been mandated to implement charging CAZs – Birmingham, Derby, Leeds, Nottingham and Southampton. These authorities must implement a CAZ because DEFRA modelling has identified that locations in these cities will not meet 2020 air quality targets; and because the identified air quality issues result from traffic sources. The proposed CAZs in these cities must be introduced by 2020 and funding will be made available by Central Government to help the five cities introduce a CAZ.
7. The national air quality plan sets out that the charging CAZs in these cities will cover older buses, coaches, taxis and lorries. Newer vehicles that meet the latest emissions standards will not be charged and the Plan does not require any of the five cities to implement a charging CAZ that includes private cars, motorcycles or mopeds; although the cities themselves could decide to include these vehicles within their scheme. Funding collected through charging polluting vehicles to enter the CAZ will have to be used on transport improvements (in the same way that funding collected through the workplace parking levy has to be used on transport improvements).

### **Consultation response**

8. A CAZ implemented in Nottingham could therefore have an impact on the County's road network. This impact could be both positive (e.g. helping address air quality issues within the county which are adjacent to the City boundary), or negative (e.g. displaced polluting vehicles travelling on county roads to avoid the CAZ charge).
9. The draft Framework makes reference to the local authority implementing a CAZ undertaking consultation with neighbouring authorities and states "*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*". It does not, however, state what the consultation should involve, does not specifically mention consideration of the impacts of displaced traffic, and does not detail what assessment should be undertaken of the potential impacts on neighbouring authorities' roads. As the Framework is designed to ensure that the CAZs are implemented consistently it is therefore considered that the Framework should be much more explicit about the assessment of the impacts on neighbouring highway authorities' roads.
10. Whether or not traffic is displaced on to County roads will depend on the geographic extents of the Nottingham City CAZ. Funding made available to deter such traffic (e.g. signing improvements) as part of the introduction of the scheme should be made available to the County Council if it considers there will be an impact on its roads. Similarly, if there is an impact on County Council managed roads following the introduction of the Nottingham City CAZ, some of the funding collected through the charges for polluting vehicles should be made available to the County Council to address these impacts.

11. The County Council has therefore responded to the consultation highlighting the issues in paragraphs 9 and 10 above; and a copy of the County Council's consultation response is attached as appendix 1.

### **Future development**

12. Early discussions have taken place with Nottingham City Council, who is yet to define any proposed CAZ area, and the County Council will continue these discussions to help ensure that polluting vehicles are not displaced onto County Council managed roads; and if they are that funding is made available by the City Council to address the issue.

13. A report providing an update on the development of the Nottingham City CAZ will be brought to a future Transport & Highways Committee once proposals have been developed.

### **Other Options Considered**

14. The alternative option was to not submit a consultation response. This option was rejected as it was considered that the County Council's concerns about potential impacts on its highway network, as well as suggestions to avoid such issues, needed to be raised with the Air Quality Unit so that they could be considered for inclusion in any future Framework document.

### **Reason/s for Recommendation/s**

15. To make all members of Transport & Highways Committee aware of the consultation on the implementation of clean air zones in England and the County Council's response to this document.

### **Statutory and Policy Implications**

16. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the NHS Constitution (Public Health only), the public sector equality duty, safeguarding of children and vulnerable adults, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

### **RECOMMENDATION/S**

- 1) It is recommended that Committee:  
Note the content of this report.

**Adrian Smith - Corporate Director Place Department**

**For any enquiries about this report please contact:**  
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### **Constitutional Comments (SJE 22/12/2016)**

17. As this report is only for noting by Committee, Constitutional Comments are not required.

### **Financial Comments (GB 23/12/2016)**

18. There are no financial implications arising directly from this report.

### **Background Papers and Published Documents**

- Nottinghamshire Local Transport Plan Strategy 2011/12-2025/26
- Nottinghamshire Local Transport Plan Implementation Plan 2015/16-2017/18
- Nottinghamshire Local Transport Plan Evidence Base 2010
- Consultation on the Implementation of Clean Air Zones in England – Draft Clean Air Zone Framework, secondary legislation and impact assessment, October 2016 (Department for Environment Food and Rural Affairs/Department for Transport)

### **Electoral Division(s) and Member(s) Affected**

- All