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Part IV of the Environment Act 1995

# Local Air Quality Management

Policy Guidance (PG09)

February 2009



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Published by the Department for Environment, Food and Rural Affairs

# Contents

<b>Local Air Quality Management Guidance under Part IV of the Environment Act 1995 – Policy Guidance .....</b>	<b>6</b>
<b>Part 1: Local Air Quality Management – Overview of Processes and Principles.....</b>	<b>6</b>
<b>Introduction.....</b>	<b>6</b>
What is this guidance for? .....	6
Why air quality matters .....	7
<b>Chapter 1: Local Air Quality Management process – an overview.....</b>	<b>9</b>
Appraisal Process.....	14
<b>Chapter 2: Local air quality strategies .....</b>	<b>15</b>
Why develop a local strategy? .....	15
Developing a strategy .....	15
Format of a local air quality strategy .....	16
<b>Chapter 3: Air quality management areas .....</b>	<b>17</b>
Setting the boundaries of air quality management areas.....	17
What should an air quality management area order look like? .....	18
Further Assessment of air quality within an air quality management area .....	18
Amendments to, and revocations of, air quality management areas .....	18
Notification of amendment or revocation of an air quality management area order .....	19
<b>Chapter 4: Air quality Action Plans – legal framework, principles and processes .....</b>	<b>20</b>
Air quality Action Plans .....	20
Setting up a steering group.....	21
Format of the Action Plan .....	22
Impact assessment.....	22
<b>Chapter 5: Consultation .....</b>	<b>23</b>
Consultation on Reviews and Assessments .....	23
Consultation on further assessments of air quality inside air quality management areas.....	24
Consultation on air quality Action Plans.....	24
Consultation and liaison across local authority departments .....	25
Co-operation between authorities .....	26
Consultation with county councils in England .....	26
Consultation with the Highways Agency in England .....	27
Consultation with the Environment Agency .....	28

Consultation with the public, local business and other stakeholders .....	28
Action Plan Progress Reports and review of Action Plans.....	29
Strategic Environmental Assessment .....	29
<b>Chapter 6: Transport .....</b>	<b>32</b>
Local Transport Plans.....	32
Local authority measures.....	32
Traffic regulation .....	33
Traffic calming .....	33
Reallocation of road space .....	33
High occupancy vehicle lanes.....	34
Vehicle restricted areas .....	34
Parking controls.....	35
Traffic control systems.....	36
Speed limits .....	36
Transport information and guidance programmes .....	37
Centres of excellence for integrated transport planning.....	37
Home zones.....	37
Clear zones.....	38
Park and ride .....	38
Airports .....	39
Smarter Choices .....	39
<b>Chapter 7: Planning .....</b>	<b>40</b>
Introduction .....	40
Combustion Installations.....	40
<b>Chapter 8: The national performance framework and the air quality indicator.....</b>	<b>43</b>
<b>Part 2: Further practical guidance.....</b>	<b>44</b>
<b>Further advice .....</b>	<b>44</b>
UK Air Quality Archive .....	44
Helpdesks .....	44
London Best Practice Guidance: The Control of Dust and Emissions from Construction and Demolition.....	44
Development Control: Planning for Air Quality.....	45
Low Emission Zones in Europe .....	45
<b>2.....Practice Guidance</b>	<b>45</b>
<b>Annex A: Model air quality management area order .....</b>	<b>46</b>



# Local Air Quality Management Guidance under Part IV of the Environment Act 1995 – Policy Guidance

## Part 1: Local Air Quality Management – Overview of Processes and Principles

### Introduction

#### What is this guidance for?

This Policy Guidance is principally for local authorities in England to have regard to in carrying out their local air quality management (often shortened to LAQM) duties under Part IV of the Environment Act 1995. This guidance is intended to enable local authorities to improve on the service they already provide in tackling poor air quality. Part 1 provides an overview of the local air quality management system and the various considerations that local authorities should bear in mind. Part 2 points the reader towards other sources of advice, as well as Practice Guidance on some of the more effective and ambitious measures that local authorities can pursue. Alongside this guidance is the Technical Guidance on local air quality management.

The fourth round of local authorities' Review and Assessment of air quality commences in April 2009, and the aim of this document is to guide local authorities towards further improving the management of air quality in their areas, especially with low emissions zones and the encouragement of low emission vehicles becoming increasingly popular and effective options.

Throughout the next round of Review and Assessment, it should be possible for the UK Government to demonstrate the impact that many local measures have on air quality. The UK is legally required to meet EU limit values for a number of pollutants, and local measures are one of the most important means by which the UK Government can meet these limit values. More importantly, improved air quality has significant health benefits, and local authorities are best placed to improve air quality at localised hotspots and deliver both health benefits and improved quality of life.

This guidance is **issued by the Secretary of State under section 88(1) of the Environment Act 1995, and local authorities must have regard to it when carrying out their local air quality management duties.** This guidance will also be of interest to other bodies associated with air quality management, and bodies whose actions may impact on air quality, such as those involved in planning and transport.

The Policy Guidance and the Technical Guidance are the primary guidance to which local authorities should have regard when managing local air quality. Some of the other sources of guidance to which authorities may or should have regard are referenced within these guidance documents. This guidance replaces (in England) the local air quality management Policy Guidance and the Progress Report Guidance published in 2003, the addendum to the Policy Guidance published in 2005, and the guidance on further (or 'stage 4') assessment published in 2001.<sup>1</sup>

**The Government and the Mayor of London recommend that this policy guidance is made available to all local authority departments.** The chapters covering transport and planning are relevant to those working in various local government departments, such as environmental health, land-use planning, economic development and transport planning. This guidance should therefore be taken into account by those departments, and any other relevant local authority departments, when carrying out their duties.

This guidance will also be relevant to the Environment Agency, the Highways Agency, Transport for London, Regional Assemblies, primary care trusts, businesses, partners (especially those within the Local Strategic Partnership) and other stakeholders, as well as being of general interest to the public.

Local authorities are at the forefront of public service at the community level, and should continue to set priorities according to local need. They have the flexibility to go beyond the air quality objectives if they see this is appropriate for their locality.

## **Why air quality matters**

### **Air quality and health**

As stated in the current Air Quality Strategy for England, Scotland, Wales and Northern Ireland<sup>2</sup>, poor air quality reduces life expectancy in the UK by an average of seven to eight months, with equivalent health costs estimated to be up to £20 billion a year. Improvements between 1990 and 2001 have helped avoid an estimated 4,200 premature deaths a year, and 3,500 hospital admissions a year. The UK Air Quality Strategy aims to reduce the reduced life expectancy impact to five months by 2020. It should be remembered that health effects do not relate solely to the direct impacts of air pollution. By encouraging the use of non-motorised means of transport, such as cycling and walking, as a means of reducing local emissions of pollutants, measures in air quality action plans can help directly improve the health and fitness of local populations. In turn, this may also help individuals to be more resilient to direct ill-effects from air pollution.

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<sup>1</sup> Respectively: 'Policy Guidance LAQM. PG (03)'; 'Progress Report Guidance LAQM. PRG (03)'; 'Policy Guidance: Addendum LAQM. PGA(05)'; and 'Guidance to local authorities on the further ("stage 4") assessments of air quality required under section 84 of the Environment Act 1995'(Defra 2001).

<sup>2</sup> Published on 17 July 2007 - [www.defra.gov.uk/environment/airquality/strategy/index.htm](http://www.defra.gov.uk/environment/airquality/strategy/index.htm)

### **Air quality and climate change**

The July 2007 Air Quality Strategy acknowledges that there will often be co-benefits for air quality and climate change policies where certain measures are taken. Furthermore in the light of current Government policy, it is particularly important that climate change and air quality policies are joined up. There will be situations where policies to reduce greenhouse gas emissions will have benefits for air quality, and vice-versa. However, there may be situations where potential actions and policies do not necessarily achieve these win-win situations. Technology used to reduce greenhouse gas emissions should always be used in the right circumstances, and not in an area where such technology will impact on the ability of the local authority to pursue the achievement of air quality objectives.<sup>3</sup> All measures should be given careful consideration to ensure that the benefits for local air quality and climate change are maximised, where they can be. Where practicable, synergistic policies beneficial to both air quality and climate change should be pursued.<sup>4</sup>

### **Air quality and the environment**

Poor air quality also impacts on the environment, harming ecosystems and biodiversity. Measures to tackle air quality, such as speed restrictions, may also have a beneficial impact on noise pollution, and vice-versa.

The above points illustrate the importance of developing integrated policies between local authority departments, local strategic partners and other organisations in tackling air pollution.

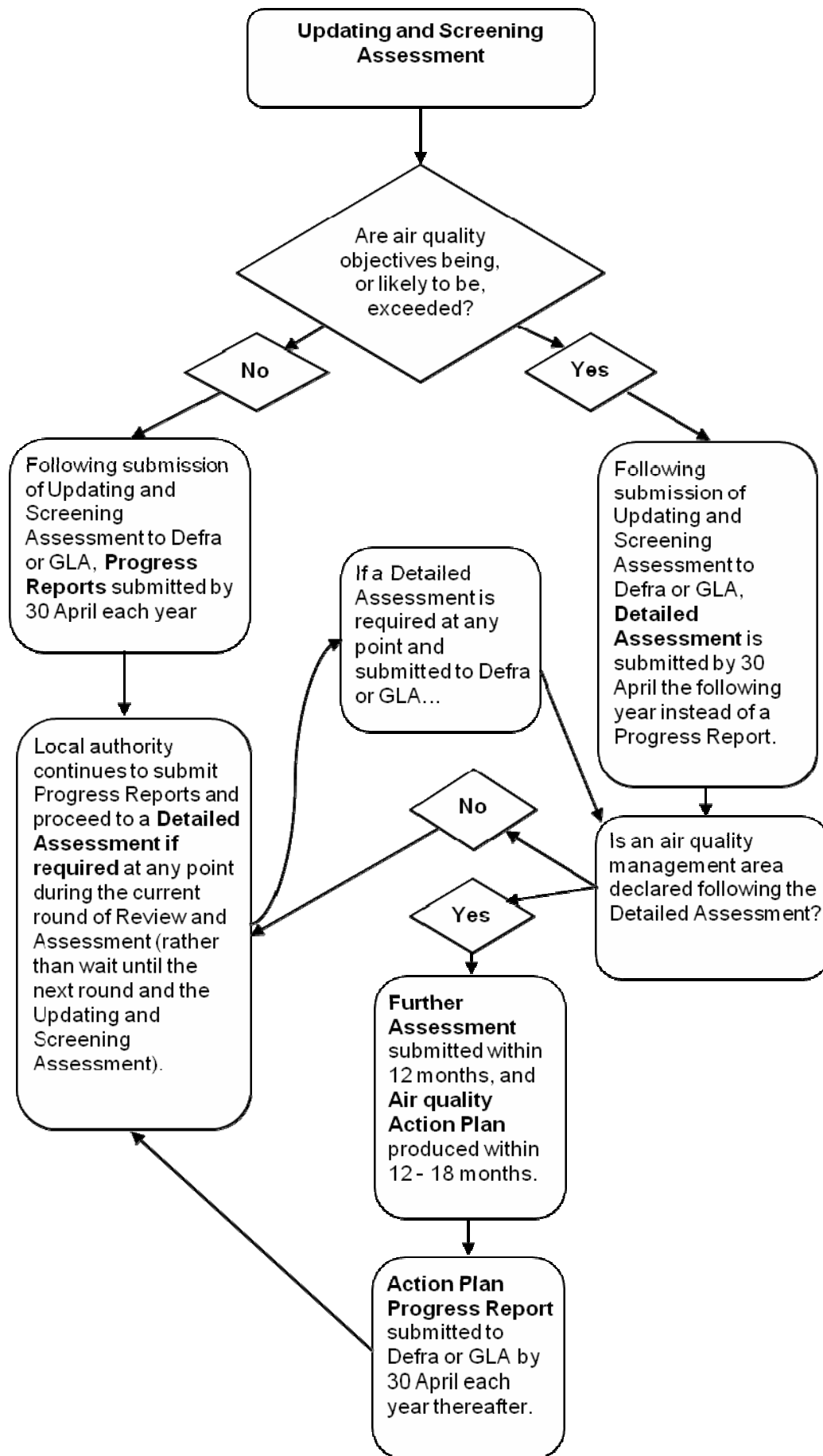
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<sup>3</sup> For example, see chapter 5 of the UK Biomass Strategy - [www.defra.gov.uk/Environment/climatechange/uk/energy/renewablefuel/pdf/ukbiomassstrategy-0507.pdf](http://www.defra.gov.uk/Environment/climatechange/uk/energy/renewablefuel/pdf/ukbiomassstrategy-0507.pdf)

<sup>4</sup> See, for example, the Air Quality Expert Group report on air quality and climate change

## **Chapter 1: Local Air Quality Management process – an overview**

- 1.1 This chapter provides an overview of the local air quality management process. The Technical Guidance on local air quality management should be consulted for detailed information on Updating and Screening Assessments, Detailed Assessments, Progress Reporting, Further Assessments and Action Plans.
- 1.2 Part IV of the Environment Act 1995 requires the Secretary of State to publish a national Air Quality Strategy and established the system of local air quality management (sometimes shortened to LAQM), for the designation of air quality management areas, which commenced in 1997.
- 1.3 The air quality objectives set out in the Air Quality (England) Regulations 2000, as amended by the Air Quality (England) (Amendment) Regulations 2002, provide the statutory basis for the air quality objectives under local air quality management in England (see Table 1).
- 1.4 Those regulations are derived from European Directives and prescribe the attainment dates for meeting air quality objectives. Not all of the objectives contained in the Air Quality Strategy are included within the local air quality management system, and this includes the new limit value for PM<sub>2.5</sub> that is contained in Directive 2008/50/EC on ambient air quality. Although local authorities are not currently being asked to work towards the achievement of the PM<sub>2.5</sub> objective, measures to reduce emissions and concentrations of PM<sub>10</sub> will also reduce levels of PM<sub>2.5</sub>.
- 1.5 Section 82 of the Environment Act 1995 provides that every local authority shall review the air quality within its area, both at the present time and the likely future air quality. Section 83 requires local authorities to designate an air quality management area where air quality objectives are not being achieved, or are not likely to be achieved within the relevant period, as set out in the Air Quality (England) Regulations 2000 Regulations. Once an area has been designated Section 84 requires the local authority to carry out an assessment and then to develop an Action Plan for the air quality management area. This chapter provides an overview of the process that the local authority should follow when carrying out its duties under Part IV of the Environment Act 1995, with further detail on local air quality strategies, air quality management areas and Action Plans in the chapters that follow.



Note that a Detailed Assessment is only required where an air quality objective is, or is likely to be, exceeded outside an existing air quality management area and there is relevant exposure, or where a significant amendment or revocation of the air quality management order is required. If a new source of pollution has been identified or concentrations have changed significantly within an existing air quality management area, the local authority is required to carry out a Further Assessment rather than a Detailed Assessment.

**Table 1: Air quality objectives contained in the Air Quality (England) Regulations 2000 as amended.**

Pollutant	Air Quality Objective		Date to be achieved by
	Concentration	Measured as	
Benzene	16.25 $\mu\text{g m}^{-3}$	running annual mean	31.12.2003
	5 $\mu\text{g m}^{-3}$	annual mean	31.12.2010
1,3 Butadiene	2.25 $\mu\text{g m}^{-3}$	running annual mean	31.12.2003
Carbon monoxide	10.0 $\text{mg m}^{-3}$	maximum daily running 8-hour mean	31.12.2003
Lead	0.5 $\mu\text{g m}^{-3}$	annual mean	31.12.2004
	0.25 $\mu\text{g m}^{-3}$	annual mean	31.12.2008
Nitrogen dioxide	200 $\mu\text{g m}^{-3}$ not to be exceeded more than 18 times a year	1 hour mean	31.12.2005
	40 $\mu\text{g m}^{-3}$	annual mean	31.12.2005
Particles (PM <sub>10</sub> ) (gravimetric)	50 $\mu\text{g m}^{-3}$ not to be exceeded more than 35 times a year	24 hour mean	31.12.2004
	40 $\mu\text{g m}^{-3}$	annual mean	31.12.2004
Sulphur dioxide	350 $\mu\text{g m}^{-3}$ not to be exceeded more than 24 times a year	1 hour mean	31.12.2004
	125 $\mu\text{g m}^{-3}$ not to be exceeded more than 3 times a year	24 hour mean	31.12.2004
	266 $\mu\text{g m}^{-3}$ not to be exceeded more than 35 times a year	15 minute mean	31.12.2005

- 1.6 **A Review and Assessment** of air quality is the first step in the local air quality management process. Local authorities have to consider the current and likely future air quality in their areas, and assess whether the objectives as set out in the Air Quality (England) Regulations 2000 are, or are likely to be, exceeded. Where the objectives are unlikely to be met, the local authority must take action to work towards the objectives. Local authorities also have a continuing commitment to work towards meeting the air quality objectives beyond the deadlines set out in the regulations. An objective, for example, which was due to be met by 2005 must now be met each subsequent year.
- 1.7 All local authorities are expected to undertake a Review and Assessment every three years. Authorities should follow a two-step approach when carrying out Review and Assessment. At **Step 1**, all authorities are required to undertake **an Updating and Screening Assessment** (sometimes shortened to **USA**). Where an authority identifies a risk that an air quality objective will be exceeded at a relevant location<sup>5</sup> the local authority is required to proceed to **Step 2 - a Detailed Assessment** (unless a new source has been identified or concentrations have changed significantly within an existing air quality management area, in which case a local authority is required to carry out a Further Assessment – see 1.12). To ensure continuity in the local air quality management process and fill the gaps between the three-yearly requirement to carry out a Review and Assessment, local authorities are required to prepare Review and Assessment **Progress Reports** in the years when they are not carrying out an Updating and Screening Assessment. Where a Detailed Assessment is being undertaken, a short Progress Report should be provided within the Detailed Assessment for those areas not covered by the Detailed Assessment.
- 1.8 Where a new air quality management area is required, or an existing air quality management area needs to be significantly amended or revoked, the Detailed Assessment should also clearly identify areas of exceedence (or where there was formerly an exceedence) and possible boundaries for the new or amended air quality management area.
- 1.9 For the fourth, fifth and sixth round of Review and Assessment, local authorities should carry out their local air quality management duties according to the following timescales in Table 2. Local authorities are also required to submit data on National Indicator 194 (see chapter 8 of this section).

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<sup>5</sup> The Air Quality (England) Regulations 2000 require that likely exceedences of the objectives should be assessed at locations which are situated outside of buildings or other natural or man-made structures, above or below ground and where members of the public are regularly present (see the Technical Guidance for further advice).

<b>Table 2: Timescales for Review and Assessment</b>			
<b>Year</b>	<b>Updating and Screening Assessment</b>	<b>Progress Report</b>	<b>Detailed Assessment</b>
Round 4 – Completion Dates			
2009	30 April 2009	-	Whenever necessary <sup>a</sup>
2010	-	30 April 2010	Whenever necessary
2011	-	30 April 2011	Whenever necessary
Round 5 – Completion Dates			
2012	30 April 2012	-	Whenever necessary
2013	-	30 April 2013	Whenever necessary
2014	-	30 April 2014	Whenever necessary
Round 6 – Completion Dates			
2015	30 April 2015	-	Whenever necessary
2016	-	30 April 2016	Whenever necessary
2017	-	30 April 2017	Whenever necessary

<sup>a</sup> Detailed Assessments are due 12 months from the date they are initiated, which can be at any time.

- 1.10 Following a Detailed Assessment, where a local authority considers that one or more of the air quality objectives for each of the seven pollutants is not being met, they must declare an **Air Quality Management Area (sometimes shortened to AQMA)**, covering the area affected. A local authority must then prepare and implement a remedial **Action Plan** to improve air quality in that area.
- 1.11 **If a local authority identifies a risk of air quality objective exceedences at any time during the reporting years, it should proceed to carry out a Detailed Assessment to formally identify the need to declare an air quality management area and its appropriate size and location. Local authorities in this situation should not delay until the next full round of Review and Assessment.**
- 1.12 Once an AQMA has been identified section 84(1) of the Environment Act 1995 requires local authorities to carry out a **Further Assessment** of existing and likely future air quality **within 12 months.**

- 1.13 Following designation of an air quality management area, an **air quality Action Plan** should be completed between **12 – 18 months** following the date of designation. Once a local authority has produced its final action plan, a first **Action Plan Progress Report** must be submitted by the end of the following April.
- 1.14 Local authorities are required to submit all relevant air quality reports (see Schedule 11 to the Environment Act 1995) to Defra and other statutory consultees including the Mayor of London where appropriate<sup>6</sup> **by 30 April in a reporting year.**

### **Appraisal Process**

- 1.15 If Defra or the Mayor of London (as applicable) does not accept the conclusion contained within a local authority's report, the authority will be invited to provide written comments justifying their decision within a specified deadline set out in the appraisal letter. This will involve a response within a short deadline in keeping with the need to complete the process as quickly as possible.
- 1.16 Local authorities who wish to seek clarification on the findings of the appraisal process should in the first instance contact the relevant **air quality helpdesk** for further help. The helpdesks can discuss the details of individual cases and provide advice on responding to any points raised in the appraisal. The helpdesks can also provide advice on Review and Assessment, monitoring, emissions data, modelling and action planning. See the Air Quality Archive at [www.airquality.co.uk/archive/lagm/helpline.php](http://www.airquality.co.uk/archive/lagm/helpline.php) and the Defra website at [www.defra.gov.uk/environment/airquality/local/index.htm](http://www.defra.gov.uk/environment/airquality/local/index.htm)

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<sup>6</sup> Statutory consultees are those set out in Schedule 11 of the 1995 Act: Secretary of State; Environment Agency; the highways authority; Mayor of London (where applicable); neighbouring local authorities; county council (if applicable); any National Park authority; other public authorities; local business; and others as appropriate (including the public).

## Chapter 2: Local air quality strategies

- 2.1 Strategies for improving local air quality can be quite simple and short documents outlining fundamental principles as agreed with other departments within a local authority and the upper-tier authority, if there is one. Such strategies could also be incorporated into other strategies, particularly those on climate change and/or transport. Defra and the Mayor of London recommend such a strategic approach to managing air quality. It is recommended that all authorities, particularly those that have not had to designate air quality management areas, or do not expect to designate an air quality management area in future, but who have areas close to the exceedence levels, should still consider drawing up a local air quality strategy.

### Why develop a local strategy?

- 2.2 Developing a local air quality strategy, or including air quality management as part of another strategy (such as a strategy for reducing carbon dioxide (CO<sub>2</sub>) emissions or a transport strategy) will help authorities to deliver services in an integrated manner. A strategy can provide over-arching principles, agreed at a high-level, that ensure co-benefits and risks are considered when implementing different policies. For example, a strategy could acknowledge co-benefits of tackling PM<sub>10</sub>, nitrogen dioxide (NO<sub>2</sub>) and greenhouse gases together, and acknowledge any trade-offs between air quality management, planning and transport policy. This then provides a consensus on which to develop individual plans, such as air quality Action Plans, ensuring that measures are 'proofed' to avoid unintended impacts of policies in one area upon another. Communication with local authority officers and Environment Agency officers leading on the management of industrial pollution can also be maintained to ensure that environmental permitting considers the risks to local air quality in a holistic manner (see [www.defra.gov.uk/environment/ppc/index.htm](http://www.defra.gov.uk/environment/ppc/index.htm) for information on Environmental Permitting).
- 2.3 A local strategy could also involve neighbouring local authorities, and a regional air quality strategy developed between a number of local authorities will often be useful to manage the impact of pollutants in one area upon another. Air quality is one area that can therefore be considered for inclusion in a Community Strategy.

### Developing a strategy

- 2.4 Local authorities are free to develop strategies in the manner they and their upper-tier authorities (where applicable) consider most appropriate to them. However, it is recommended that a steering

group be established for the purpose. Furthermore, strategies should be developed in a multi-disciplinary manner involving all relevant authority departments, such as planning and transport departments, those leading on climate change and any other local authorities that are to be involved in the strategic approach. Other external organisations that are relevant and organisations in the Local Strategic Partnership should also be consulted.

### **Format of a local air quality strategy**

2.5 Local authorities are free to determine the format that their strategy takes, but as a minimum we would expect the strategy to follow these general rules:

- strategies should be concise, containing fundamental principles that have been adopted with the full understanding of Heads of Service of the legal and other drivers behind these principles. Strategies should be as wide as possible, being regional rather than local if appropriate;
- strategies should outline the management structure for delivering on air quality improvements, and identify consultation groups that will be engaged;
- agreement on integration of functions, such as transport planning, land planning and air quality action planning.

2.6 The fine detail will be included in air quality and other plans (noting that we recommend that air quality Action Plans are integrated with Local Transport Plans). When deciding which stakeholders to engage with, partners such as the Environment Agency, the Highways Agency, local schools, businesses and community groups should be considered.

2.7 Learning exchange is also a useful tool for local authorities to develop strategic approaches to improving air quality, and a number of regional and national groups have been established. More information is available on the Air Quality Archive at [www.airquality.co.uk/archive/laqm/ap\\_learningexchange.php](http://www.airquality.co.uk/archive/laqm/ap_learningexchange.php)

## Chapter 3: Air quality management areas

- 3.1 Local authorities have a duty under section 83(1) of the 1995 Act to designate those areas where the air quality objectives are unlikely to be, or are not being, met as air quality management areas. These areas have to be designated officially by means of an 'order'.

### Setting the boundaries of air quality management areas

- 3.2 Setting the boundary of an air quality management area involves an element of judgement, considering the extent of predicted areas of exceedence, locations of relevant receptors, the nature and location of relevant sources, and other local factors. In some cases this has resulted in the designation of the local authority's entire administrative area (for example, the majority of London local authorities). Other local authorities have designated isolated buildings, single streets, road networks or parts of motorway or trunk road junctions. A number of authorities have chosen to designate more than one individual air quality management area. In short, it is for local authorities to draw on their own expertise when designating an air quality management area. However, air quality management areas **must encompass all known and predicted areas of exceedence where there is relevant exposure**. Advice may also be provided as part of the consultation that local authorities are required to carry out in relation to air quality reviews, assessment under section 82 or 84 of the Environment Act 1995, or the preparation or revision of an Action Plan, in line with the requirements of Schedule 11 to the 1995 Act.
- 3.3 In deciding where to draw the boundaries of an air quality management area, local authorities might wish to consider some of the following points.
- It may be administratively much simpler to designate a wider area, based on existing boundaries and natural features. This avoids the need to draw artificially precise lines on maps;
  - Wherever the boundaries of the air quality management area are drawn, the Action Plan is likely to need to cover a wider area;
  - Designating a number of smaller air quality management areas, rather than one single large area, can allow an authority to demonstrate progress by 'ticking off' individual areas as air quality improves there;
  - Declaring smaller, individual air quality management areas may provide a clear focus on the hot spot locations within a local authority. This may prove particularly important for informing local authority planning processes as to where the more sensitive planning proposals may need to avoid; and

- A more focussed approach to declaring air quality management areas may provide a better indication of where resources need to be allocated in terms of equipment and overall effort.
- 3.4 Local authorities should work in partnership with other authorities where a joint air quality management area is proposed. They will need to explain and justify their proposed boundaries to Defra or the Mayor of London (as appropriate).

### **What should an air quality management area order look like?**

- 3.5 The exact wording to be included in an order is at the discretion of the individual local authority, although a model example of an order can be found in Annex A of this guidance. It is recommended that local authorities include a map showing the area to be designated and include a description of the area. For example, a larger air quality management area may be described according to its boundaries near to major roads/motorways (for example, bordered by the M25 to the south, etc). A smaller air quality management area may need a more detailed description listing individual streets or other physical features. In some cases it may be appropriate to list the individual properties affected, but there is no legal requirement to do this.
- 3.6 The order should include the date on which it is intended that the air quality management area should come into force and a list of the pollutants and the actual objective/s for which the air quality management area has been designated. Local authorities should notify Defra or the Mayor of London as appropriate by submitting a copy of the air quality management area order.
- 3.7 Local authorities should ensure that the information is readily accessible to enquirers. Some local authorities have chosen to include air quality management areas within local land searches.

### **Further Assessment of air quality within an air quality management area**

- 3.8 Section 84(1) of the Environment Act 1995 requires local authorities to carry out a Further Assessment of existing and likely future air quality in an air quality management area within **12 months** of designation. They must also consult on it and make it available to the public. Detailed guidance on Further Assessment is provided in the Technical Guidance that complements this document.

### **Amendments to, and revocations of, air quality management areas**

- 3.9 Local authorities are able to amend or revoke an existing air quality management area order at any time as set out under section 83 (2) of the Environment Act 1995. In order to make a significant amendment

or revoke an air quality management area the local authority is required to submit a Detailed Assessment report clearly outlining the evidence for changes in the likelihood of exceedence of the objectives occurring and demonstrating the cause of these changes, such as changes to the source of the pollution and/or better monitoring/modelling information. However, a full Detailed Assessment is not required for minor amendments to an air quality management area order, such as the addition of another measure for a pollutant already covered by the order. If a new source has been identified, or concentrations have changed significantly within an existing air quality management area, the local authority is required to carry out a Further Assessment rather than a Detailed Assessment.

- 3.10 Where a local authority considers it necessary to amend or revoke an air quality management area, Defra and the Mayor of London expect the authority to consult all the relevant statutory consultees, local stakeholders, businesses and members of the public. Those local authorities should submit their further reports for appraisal showing the monitoring results and other evidence to justify their decision to take action.
- 3.11 Where it is accepted by Defra and/or the Mayor of London that the revocation or amendment is justified, local authorities will be expected to take the relevant action **within four months** following receipt of comments from Defra or the Mayor of London on Detailed Assessments or Further Assessments.
- 3.12 Where an air quality management area is revoked, local authorities should consider drawing up a local air quality strategy to ensure air quality issues maintain a high profile locally and to respond to any public expectations. See chapter 2 of this guidance.

### **Notification of amendment or revocation of an air quality management area order**

- 3.13 Once an amendment or revocation has taken place, the local authority should submit the order to Defra (and the Mayor of London where in London) for information. Local authorities should also notify other statutory consultees and publicise the amendment or revocation widely through the local media so as to ensure that the public and local businesses are fully aware of the situation.

## Chapter 4: Air quality Action Plans – legal framework, principles and processes

- 4.1 A detailed description of measures, dates by which these are hoped to be achieved and information on how achievement is to be measured is an integral part of action planning. Where possible, air quality Action Plans should include a quantified projected outcome with timescales for reporting against in subsequent progress reports. However, it will often be the case that most measures in an Action Plan cannot be quantified. In these cases, qualitative information, along with any quantifiable information as far as is possible, will be expected (see the paragraph below on Impact Assessment).

### Air quality Action Plans

- 4.2 An air quality Action Plan must include the following:
- quantification of the source contributions to the predicted exceedences of the relevant objectives; this will allow the Action Plan measures to be effectively targeted;
  - evidence that all available options have been considered;
  - how the local authority will use its powers and also work in conjunction with other organisations in **pursuit** of the air quality objectives;
  - clear timescales in which the authority and other organisations and agencies propose to implement the measures within its plan;
  - where possible, quantification of the expected impacts of the proposed measures and an indication as to whether the measures will be sufficient to meet the air quality objectives. Where feasible, data on emissions could be included as well as data on concentrations where possible; and
  - how the local authority intends to monitor and evaluate the effectiveness of the plan.
- 4.3 The Environment Act 1995 does not prescribe any timescale for preparing an Action Plan. However, the Government and the Mayor of London expect them to be completed between **12-18 months following the designation of any air quality management areas**. Air quality officers should take a joined up approach towards air quality management, working with others within their local authority (such as environmental health, planning and transport), and should work with organisations in the Local Strategic Partnership where relevant. They should not be afraid to take the lead where there is a legitimate case to be made for measures to protect air quality and comply with objectives derived from EU directives. The legal imperative to protect air quality should not be displaced with political imperatives if this means the local authority is not working towards

compliance with the Air Quality Regulations (England) 2000, as amended.

- 4.4 Some local authorities will need to work with each other due to the nature of the air quality problem they face, or because measures they wish to take may have a knock-on effect elsewhere. In light of this, some local authorities have chosen to develop regional air quality action plans. This guidance supports this approach, and recommends that local authorities should consider drawing up regional air quality action plans where appropriate.

### **Setting up a steering group**

- 4.5 Local authorities may wish to set up a steering group to take forward the development and implementation of an Action Plan. The steering group can also play a key role in formulating the annual Action Plan Progress Report. The members of the steering group should include local authority officers across the different local authority departments and may include officers from different local authorities. The steering group would decide on engaging support from other outside bodies, businesses and local community groups to take the process forward.

- 4.6 Other local authority departments and external bodies should be constructively engaged in agreeing measures to improve air quality and meet the legal requirement to work towards air quality objectives. The following, in particular, should engage constructively in improving air quality:

- transport planners;
- local highway authorities;
- land use planners and town centre managers;
- environmental protection and energy management officers;
- waste managers;
- economic development, regeneration and tourism departments;
- corporate policy and resources;
- Environment Agency;
- Highways Agency.

- 4.7 Committee meetings or their equivalent may be held across departments to discuss how the action plan can be taken into account in many authority plans such as the Local Transport Plan, or in London the Local Implementation Plan. **The involvement of the local authority Chief Executive, or equivalent, with these meetings would help ensure a fully corporate approach.**

- 4.8 A number of commercially available models exist to help local authorities to develop integrated action plans. Information on these is held by the relevant helpdesks, who can advise on their applicability and relevance to authorities' individual circumstances.

## **Format of the Action Plan**

- 4.9 There is no need to provide a lengthy description of the local authority's duties under Part IV of the Environment Act 1995 in the introduction to the Action Plan. It is enough to simply state that 'this Action Plan has been developed in recognition of the legal requirement on the local authority to work towards air quality objectives under Part IV of the Environment Act 1995 and relevant regulations made under that part', or words to that effect. Of course, elected members may require a more detailed description, but this will depend on the authority. The Action Plan itself should take a practical approach towards focussing on what really matters – detailing measures to improve air quality and quantifying, as far as possible, their impact over time.

## **Impact assessment**

- 4.10 Air quality Action Plans should include a quantification, where possible, of the improvement to air quality that each measure, proposed or implemented, is expected to have over time, with a clear date for meeting this target (for example, 'x' per cent reduction in emissions from 2009 levels by 2011 in the air quality management area). However, in some cases it may be difficult to quantify the impact that certain measures have. For example, it is likely that it will not be possible to calculate the impact on concentrations of PM<sub>10</sub> and NO<sub>2</sub> that a permitting scheme to encourage low emission vehicles will have, but the definition of low emission vehicle that is used (relevant Euro standards, for example) and the number of permits issued will be useful information to include. Other measures, such as car sharing or encouraging cycling, may be impossible to quantify in any meaningful way at all, but this should not dissuade a local authority from implementing such measures.
- 4.11 The local authority should consider the wider economic, social and environmental impact, bearing in mind other legal requirements and policy drivers from central Government. However, guidance on the impact assessment of certain measures that a local authority may wish to take forward is contained in the Practice Guidance that accompanies this Policy Guidance.

## Chapter 5: Consultation

5.1 The 1995 Act provides the statutory basis for consultation and liaison in respect of local air quality management. The Government and the Mayor of London expect local authorities to continue to work closely with other local authorities, agencies, businesses and the local community to improve local air quality. Local authorities need to exchange data with other agencies and neighbouring local authorities.

5.2 Schedule 11 of the 1995 Act requires local authorities to consult:

- the Secretary of State;
- the Environment Agency;
- the highways authority ;
- in London, the Mayor (for London authorities only);
- all neighbouring local authorities;
- the county council (if applicable to English local authorities);
- any National Park authority;
- other public authorities as appropriate; and
- bodies representing local business interests and other organisations as appropriate.

5.3 For the purposes of the 1995 Act, authorities must consult on their:

- air quality review and assessment;
- further air quality assessment in an air quality management area; and
- preparation or revision of an air quality action plan.

Local authorities are also expected to consult on the declaration, amendment or revocation of any air quality management areas.

### Consultation on Reviews and Assessments

5.4 On the **Updating and Screening Assessments**, local authorities will need to consult the Secretary of State (and the Mayor of London where in London) and other statutory consultees in accordance with the provisions of Schedule 11 of the 1995 Act. Local authorities should use their own judgement to determine whether there is a need for a full public consultation. In any case, local authorities will still wish to make these assessments available to the public.

5.5 On the **Detailed Assessments**, local authorities will need to consult the Secretary of State (and the Mayor of London where in London) and the other statutory consultees. They should also consult the public, local businesses and other appropriate stakeholders more fully at this stage. Defra recommends that authorities in England should consider copying the Detailed Assessments to the relevant

Government Office and the relevant Regional Development Agency for information. They may also choose to disseminate copies within the other local authority departments for information.

- 5.6 On the **Review and Assessment Progress Reports**, local authorities will need to submit these to the Secretary of State (and the Mayor of London as appropriate) for consideration. Local authorities may choose how wide they wish to circulate these reports but it would be good practice to make copies available to the public, local stakeholders, the Agencies and the other local authority departments for information. For those authorities with air quality management areas, it is advised that where possible, Review and Assessment Progress Reports are submitted in a single report at the same time as the action planning Progress Reports. Similarly, with the Review and Assessment Progress Reports, local authorities might wish to make the action planning Progress Reports available to local stakeholders and the general public for information purposes in line with the requirements of paragraph 4 of Schedule 11 of the 1995 Act. Also note duties provided by regulation 4 of the Environmental Information Regulations 2004 whereby public authorities are required to disseminate environmental information by electronic means which are easily accessible.

### **Consultation on further assessments of air quality inside air quality management areas**

- 5.7 If a new air quality management area is needed, or there is an extension to an existing air quality management area, or where further source apportionment is needed, local authorities must assess air quality within the proposed area once again. At this stage, consultation is likely to be most meaningful if it is carried out when the authority has completed its further Review and Assessment, as this information will drive or feed into an Action Plan. Local authorities should, where necessary, produce a report containing any relevant data collected at different stages of the Review and Assessment. It should also explain the methodologies it used and the conclusions it reached. Following consultation, the authority should take account of consultees' comments.

### **Consultation on air quality Action Plans**

- 5.8 Local authorities must consult on their preparation of an air quality Action Plan after developing options with relevant key players such as transport planners, the Environment Agency or the Highways Agency. This opportunity should come when the local authority consults on completion of the further assessment of air quality in the designated area, consulting at the same time on a draft Action Plan if possible. This would allow them to finalise the plan in the light of consultees' comments. Action Plans may operate over long timescales and

authorities may only be able to specify broad proposals in the first draft. It is an important principle, therefore, that they carry out a further consultation if they revise their initial proposals while carrying out the plan.

5.9 Consultation on a draft Action Plan should include:

- details of which pollutants the authority will be taking action on, and an indication of the pollutant emission source/s;
- what other local authorities are doing or will need to do to meet the action plan's objectives;
- in England, the county council's proposals, if applicable;
- the timescales for implementing each proposed measure and the emissions (and concentration, if possible) reductions expected by the end of the relevant review and assessment round (or by the specified date in the 2000 Regulations); and
- details of other individuals, bodies or agencies whose involvement is needed to meet the plan's objectives and what the authority is doing to encourage their co-operation.

Local authorities should decide the timescale for consultation. We recommend, however, that no consultation exercise should last for less than eight to twelve weeks.

5.10 Exchanging information is important throughout the local air quality management process. Many local authorities have successfully established local steering groups to oversee the process. Some authorities have built on existing inter-authority pollution groupings. Where appropriate, these steering groups should include:

- local authorities' representatives, including transport and land planners;
- the Highways Agency (where the English strategic road network is affected), or Transport for London if a London local authority;
- the Environment Agency;
- representatives of local businesses and community groups;
- representatives of Primary Care Trusts; and
- any other local interest groups and local residents.

### **Consultation and liaison across local authority departments**

5.11 It is very important to ensure there is effective consultation and liaison across local authority departments. Steering groups and committee meetings should have the support of the Chief Executive or equivalent if possible. This is to ensure that air quality is dealt with consistently across the departments, with a clear understanding as to what the legal requirements and policy drivers are.

## **Co-operation between authorities**

- 5.12 Co-operation between authorities has been greatly helped with the setting up of the regional air quality groupings. These groupings can assist with the sharing of experiences and good practice. Some authorities have designated a joint air quality management area, and others have worked together on regional action plans and regional air quality strategies.

## **Consultation with county councils in England**

- 5.13 The 1995 Act makes special provision for county council input to the Review and Assessment process and the preparation of any Action Plan. It recognises the crucial role of county councils as highways authorities and the importance of traffic management and transport planning in achieving air quality objectives. It is particularly important, for example, that air quality Action Plans are properly co-ordinated with Local Transport Plans. Where the air quality management area designation arises primarily because of local transport pollution, local authorities in England should integrate their Action Plans into their Local Transport Plans (or Local Implementation Plans in London).
- 5.14 Section 86 (2) of the 1995 Act requires district councils to take into account their county council's recommendations on reviewing and assessing air quality. County councils should be involved in reviewing air quality at all stages of the process, and district and county councils should agree the scope and format of the review at the outset. Paragraph 2 of Schedule 11 also imposes a duties on district and county councils to exchange information.
- 5.15 Once an air quality management area has been designated, there is a further requirement within section 86(3) that county councils should submit details of whatever actions they propose to the district council, for inclusion in an Action Plan within relevant period (nine months).
- 5.16 The relevant period of nine months is prescribed in Regulation 3 of the Air Quality (England) Regulations 2000 and commences from when the district council first consults the county council under paragraph 1 of Schedule 11 of the Act. In practice, the Government expects that county councils to be engaged at an early stage and will usually be able to submit their proposals much earlier. District councils should make special arrangements to consult county councils as soon as possible.
- 5.17 In practice, this means that district councils should consult county councils immediately after they designate an air quality management area. In other words, before they have completed the Further Assessment of air quality inside the air quality management area, and at the same time as the district itself is starting to think about its own

contribution to the Action Plan. This should provide county councils with sufficient time to work up their proposals. District councils should then have long enough to consult more widely on a complete first draft and finalise the plan soon after the further assessment of air quality in the air quality management area.

- 5.18 Unitary authorities (including metropolitan authorities and the London boroughs) bordering county councils will also want to involve their neighbouring county councils from the earliest stage possible in the local air quality management process. This will be particularly important where input from the county will be a necessary part of the unitary authority's action plan.

### **Consultation with the Highways Agency in England**

- 5.19 The Highways Agency is committed to the local air quality management process and appreciates fully the importance of working with local authorities. The Highways Agency operates from ten offices and is divided into a number of business areas. The three of interest to local authorities are Network Operations, Network Services and Major Projects. The Network Operations Directorate is the delivery and planning arm of the Highways Agency. It manages day-to-day operations and customer services relating to implementing maintenance, small road improvements and technology projects as well as being the main focal point in the Agency for regional planning, liaising with the Government Offices for the Regions and local authorities. It develops a forward looking strategy for the network with at least a three year time horizon. Network Services has environmental specialists who are responsible for the provision of technical advice, including for air quality. Major Projects is responsible for designing and delivering all projects with costs of over £5 million.
- 5.20 When consulting the Highways Agency on air quality management issues, local authorities should continue liaising with established contacts made during the first phase of Review and Assessment if the same route is affected, or seek advice for new contacts. For new contacts, an email should be sent to [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk) stating the road and geographic area and requesting that a contact name for the route performance manager in the Network Operations Directorate is provided that could assist with local air quality management.
- 5.21 Where local authorities experience difficulties in engaging the local regional Highway Agency Offices in the action planning process, they should contact the Highways Agency's air quality specialist on the national switchboard number 08459 55 65 75, or **email** [ha\\_info@highways.gsi.gov.uk](mailto:ha_info@highways.gsi.gov.uk) requesting help from the air quality advisor. Where local authorities still have concerns, they should notify Defra.

## **Consultation with the Environment Agency**

5.22 The Environment Agency continues to provide a range of support to local authorities. Local authorities can contact the Environment Agency for data, information, advice and consultation by phoning its National Customer Contact Centre on **08708 506 506**, or through [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk).

## **Consultation with the public, local business and other stakeholders**

5.23 Local authorities might wish to look for innovative ways of engaging local stakeholders, including local resident and community groups, as well as local businesses. If people feel personally involved in air quality issues, they are more likely to change their behaviour and support proposed measures to improve air quality locally.

5.24 Effective consultation may involve the following:

- providing user-friendly information so the recipients can fully understand the situation and how they can become involved with the process;
- involving the local stakeholders at an early stage in the whole process;
- making full use of existing networks or local community groups and, where possible, extending those networks to capture a diverse range of stakeholders; and
- setting up participative workshops or forums to make the stakeholders feel part of the consultation process.

5.25 It is important that local authorities provide information on local air quality in a clear and accessible way. Local authorities are ideally placed to inform the public about the causes and effects of air pollution. Many local authorities have experience of health education and they should consider exploring links with Primary Care Trusts. They should use their local contacts, such as local newspapers, radio and libraries, to reach as wide an audience as possible. Some local authorities have already developed local air quality information strategies and provide regular information. They publish and make monitoring reports available to the public or publish data in local newspapers.

5.26 Paragraph 4 of Schedule 11 contains Within the Environment Act 1995 there is provision for public access to information. As well as the Review and Assessment reports on which they are required to consult, local authorities should proactively make available copies of:

- orders designating an air quality management area;
- action plans;

- county council proposals for measures to be included in the action plan; and
- any directions given to the district or county council by the Secretary of State.

### **Action Plan Progress Reports and review of Action Plans**

- 5.27 Local authorities have a duty to keep their Action Plans up to date. Section 84(4) of the Environment Act 1995 provides that a local authority may from time to time revise an Action Plan. Whenever an Action Plan is revised, local authorities must consult the Secretary of State, the Mayor of London and other statutory consultees (see Schedule 11(1)(c) of the 1995 Act).
- 5.28 In order to ensure that local authorities implement the measures within an Action Plan by the timescales indicated within that plan, Defra and the Mayor of London expect authorities to submit annual action planning Progress Reports once the final Action Plan has been drawn up. These Progress Reports list the measures within the Action Plan and include the timescales by when they are/were due to be implemented and give an update on progress in terms of implementing or developing them. Where possible, quantified impacts of measures should be included.
- 5.29 These action planning Progress Reports should be submitted by **30 April** each year. It is strongly advised that authorities submitting Action Plan Progress Reports should, where possible, produce a single Progress Report covering progress on both the Review and Assessment and Action Plan (See also Chapter 1 and Table 2)

### **Strategic Environmental Assessment**

- 5.30 Local authorities' primary consideration under section 84(2)(b) Environment Act 1995 is that air quality Action Plans are for the exercise of any powers exercisable by the authority in the pursuit of air quality objectives. Once local authorities have established what they think is needed for their Action Plan, the authority should then turn to consider whether the exercise of the powers chosen would trigger a Strategic Environmental Assessment.
- 5.31 For stand-alone air quality Action Plans, local authorities will need to determine on a case-by-case basis whether the Strategic Environmental Assessment Directive (2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment") applies to their Action Plan. Authorities should have regard to the criteria set out in Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations (S.I. 2004/1633) which transpose it into UK law. Further guidance is given in the Government's "Practical Guide to the SEA Directive"

[www.communities.gov.uk/publications/planningandbuilding/practicalguide](http://www.communities.gov.uk/publications/planningandbuilding/practicalguide)).

- 5.32 In making a decision as to whether a Strategic Environmental Assessment is required, local authorities will need to consider (inter alia) whether:
- the Action Plan sets the framework for future development consent of projects, including, but not limited to, projects listed in annexes I and II of the Environmental Impact Assessment Directive 85/337/EC, as amended;
  - the Action Plan's likely effect on protected habitat sites will mean that assessment under Article 6/7 of Directive 92/43/EEC (Habitats Directive) is required.
- 5.33 As a guide, local authorities may like to take the following into consideration.
- Do they intend to include conditions within the Action Plan which will influence a Development Plan or other consent framework in ways which are likely to have significant environmental effects (for example, will the Action Plan require or preclude certain projects at certain locations)? If so, a Strategic Environmental Assessment will be required.
  - Does the Action Plan only set out specific air quality measures such as traffic management schemes, parking controls and so, and there is no intention of including conditions to influence planning or development consents? If so, there is probably no need for a Strategic Environmental Assessment.
  - Is the Action Plan integrated into another plan or programme (for example, a Local Transport Plan, or Local Implementation Plan in London) which already requires a Strategic Environmental Assessment? If so, the Strategic Environmental Assessment Directive applies to that plan or programme.
- 5.34 Where a Strategic Environmental Assessment is required, then in order to ensure that the various stages of the production of an air quality Action Plan comply with the Practical Guide to the Strategic Environmental Assessment Directive, authorities should:
- consult designated Strategic Environmental Assessment Consultation Bodies on the scope of the Action Plan (English Heritage, Natural England in England, and the Environment Agency, as well as bodies across the Welsh and Scottish borders if actions are to be near enough to have an effect here);
  - issue the Environmental Report to accompany proposals for the Action Plan at consultation stage;
  - take wider environmental issues into account when finalising the Action Plan, and produce a statement showing how this has been done;

- monitor the environmental effects of implementing the Action Plan. The scoping proposals and Environmental Report should include proposed monitoring arrangements, and a statement at adoption of the Action Plan should confirm what these will be.

5.35 It is important to note that the Strategic Environmental Assessment process must be carried out during a plan's preparation, beginning at an early stage, and the findings taken into account when the plan is finalised and formally adopted.

## Chapter 6: Transport

### Local Transport Plans

- 6.1 English local transport authorities, outside London, are required to prepare Local Transport Plans setting out their objectives and targets for transport and their plans for delivering them. In London, these plans are called Local Implementation Plans.
- 6.2 Where a local authority (outside London) designates an air quality management area due to emissions from local transport, local authorities should consider integrating the Action Plan with the Local Transport Plan, along with any other transport related air quality Action Plans within the top tier authority. London Boroughs should consider integrating the measures in their air quality Action Plan relevant to transport into their Local Implementation Plan (and Transport for London offer considerable support to London local authorities undertaking local transport measures, including advice, guidance and funding). However, all authorities, both inside and outside London, should continue to have a stand alone air quality Action Plan containing all relevant measures.
- 6.3 The integration of Action Plans with Local Transport Plans or Local Implementation Plans will continue to provide a systematic way to join up air quality management and transport planning. Local authorities are not required to combine their progress reporting on air quality action plans and local transport plans, as the Department for Transport no longer requires a mandatory annual report on progress on Local Transport Plan measures. Guidance on Local Transport Planning is available on the Department for Transport website at [www.dft.gov.uk/pgr/regional/](http://www.dft.gov.uk/pgr/regional/). Information on the Transport Innovation Fund and other useful information is also available from this site. Local authorities that do integrate air quality action plans into Local Transport Plans are still required to submit an annual report to Defra on progress, even if they opt not to report on progress to the Department for Transport.

### Local authority measures

- 6.4 Emissions from road vehicles is the most common reason from the designation of air quality management areas. There are a number of practical measures that local authorities can consider implementing to reduce levels of pollutants from vehicles. Practice guidance accompanies this document, and includes guidance on low emissions zones, increasing uptake of low emission vehicles and retro-fitting of abatement equipment. However, there are other legal powers and initiatives available that local authorities need to be aware of.

## Traffic regulation

- 6.5 Sections 1, 6 and 9 of the Road Traffic Regulations Act 1984 give authorities extensive powers to make traffic regulation orders. These can prohibit, restrict or regulate traffic or particular types of vehicle. They can apply to part of a road, a whole road or a number of roads, and can be in force all the time or for specified periods. Traffic authorities may also exempt some classes of vehicle or permit holders. Under paragraph 36 of Schedule 22 to the Environment Act 1995, traffic authorities can include the pursuit of Air Quality Objectives made under Part IV of the Environment Act 1995 in traffic regulation orders. The Road Traffic Regulation Act 1984 draws a distinction between the powers for making traffic regulation orders on roads inside and outside Greater London. Schedule 22 to the Environment Act 1995 also adds the national Air Quality Strategy to the list of items in section 122 of the Road Traffic Regulation Act 1984 that authorities must take explicit account of when using their traffic regulatory powers. Local authorities should seek their own legal advice on the basis for the establishing transport related measures.
- 6.6 The Road Traffic (Vehicle Emissions) (Fixed Penalty) (England) Regulations 2002 enable local authorities with air quality management areas to apply to the Secretary of State for transport for the power to conduct roadside vehicle emissions testing. Where local authorities using this power find that a vehicle exceeds current emissions limits, a fixed penalty notice of £60 can be issued to the driver of that vehicle. The regulations also enable **all** local authorities to issue fixed penalty notices of £20 to any driver running their engine unnecessarily when parked and who refuses all reasonable requests to turn the engine off.

## Traffic calming

- 6.7 The Highways (Traffic Calming) Regulations 1999 and the Highways (Road Humps) Regulations 1999 allow authorities to introduce a wide range of physical measures to control traffic at low speeds. Traffic calming schemes not only have the direct effect of slowing vehicles, they may also have the indirect effect of deterring traffic from using roads as a short cut. It is important that traffic authorities design schemes to encourage a smooth driving style that avoids repeated acceleration and deceleration. The spacing between each calming feature, whether vertical or horizontal deflections, will greatly influence driving style. Spacing of around 50-60 m will encourage the smoothest driving styles.

## Reallocation of road space

- 6.8 Authorities can make traffic regulation orders to introduce bus or cycle lanes. Reallocating space to buses and cycles can make these forms

of transport more attractive. Authorities can also create advisory cycle lanes (which do not require a traffic regulation order), but these might not be as effective. Authorities must be careful not to increase congestion and pollution when reducing capacity.

### **High occupancy vehicle lanes**

- 6.9 High occupancy vehicle (HOV) lanes are one measure available to local authorities to help them make more efficient use of the road network by encouraging car sharing. The basic principle is that only vehicles carrying two or more people, as well as certain other classes such as buses, are allowed to use them during their hours of operation.

Traffic authorities can make a traffic regulation order to create them, but at present need to seek Department for Transport authorisation for the necessary signs.

Information on HOV lanes, including case studies, can be found in Traffic Advisory Leaflet 2/07 which is available from the Department's website.

### **Vehicle restricted areas**

- 6.10 An authority can introduce a traffic regulation order to restrict access to a road or area to some or all vehicles at different times of the day. Where there are objections to an order which would have the effect of restricting or prohibiting access outside peak hours, the local authority would first need to hold a public inquiry. Outside London, the Secretary of State's consent may also be required if access would be prohibited for more than eight-hours in any period of 24-hours.
- 6.11 The vehicle restricted area may be established to create a pedestrianised area. Typically, pedestrianised areas allow access to some vehicles for all or some parts of the day. These may include delivery vehicles and buses.
- 6.12 Restricting access to town centres has been shown to improve the local environment. There are plenty of examples of pedestrianisation schemes that have maintained or improved local economic activity. But this does not happen automatically – people must still be able to get to the area by other means. These could include:
- good public transport, perhaps with park and ride;
  - facilities for cyclists and pedestrians;
  - peripheral car parking;
  - access for people with limited mobility; and
  - access for taxis, where appropriate.

Authorities will also need to make sure that delivery and service vehicles have access.

- 6.13 Traffic restricted areas will be implemented by suitable traffic signs. If obedience of the access restrictions is an issue then physical measures may be required. Increasingly, rising bollards are being used to enforce selective vehicle access areas. Some guidance on the use of rising bollards is given in Traffic Advisory Leaflet 4/97, Rising Bollards - [www.dft.gov.uk/pgr/roads/tpm/tal/signsandsignals/risingbollards](http://www.dft.gov.uk/pgr/roads/tpm/tal/signsandsignals/risingbollards)

### **Parking controls**

- 6.14 A significant influence on whether people drive into towns is whether they can park. The Road Traffic Regulation Act 1997 permits local authorities to determine where motorists can park and how much it will cost them. They may also restrict parking in other ways. Residents' parking schemes, for example, can be an effective way of encouraging non-residents to find other ways of travelling into town centres.
- 6.15 Authorities can use the planning process to regulate the amount of private non-residential parking (sometimes shortened to PNR) associated with a new development. They can make Discontinuance Orders under the Town and Country Planning Act 1990 to end existing private non-residential spaces (subject to the Secretary of State's confirmation).
- 6.16 Parking restrictions need the right level of enforcement. Effective enforcement of parking restrictions allows more efficient use of existing parking provision and can improve parking flow as drivers have to spend less time finding a parking space. The Road Traffic Act 1991 provided for the decriminalisation of most non-endorsable parking offences in London, and permitted local traffic authorities elsewhere to apply for decriminalised parking enforcement (sometimes shortened to DPE) powers. Decriminalisation transfers responsibility for enforcing most parking restrictions from the police and traffic wardens to parking attendants employed by the local authority and funded out of revenue received from penalty charges and from paid parking. This gives local authorities control over enforcement of parking and waiting restrictions to ensure their parking strategies are effective in practice. Research in areas where decriminalised parking enforcement has been introduced indicates that both enforcement and compliance levels have increased and traffic flow has improved.
- 6.17 The Department for Transport brought the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations into force in 2005. These will enable authorities outside London with decriminalised parking enforcement powers to also

undertake civil enforcement against cars and other vehicles driven illegally in bus lanes. The Department intends to consult in due course on regulations under the Traffic Management Act (2004) which will extend these powers to other moving traffic contraventions.

### **Traffic control systems**

- 6.18 We encourage local authorities to make greater use of traffic responsive signals, such as SCOOT (Split, Cycle and Offset Optimisation Technique) and MOVA (Microprocessor Optimised Vehicle Actuation). This type of signal system uses sensors to monitor traffic flow, and then adjust signal timings to reduce unnecessary delays and improve traffic flow. This can also lead to a reduction in emissions from standing traffic, which in turn will improve air quality.
- 6.19 The UK has been at the forefront of developing traffic responsive signal systems for many years. Research has shown that where these systems are properly installed and maintained, they can give significant benefits to all road users over older fixed-time systems.
- 6.20 Advice and information on the systems mentioned can be found in various Traffic Advisory Leaflets available from the Department's website at [www.dft.gov.uk/pgr/roads/tpm/tal](http://www.dft.gov.uk/pgr/roads/tpm/tal).
- 6.21 Local authorities can make better use of their existing local networks through the development and promotion of new technologies and good practice. Urban Traffic Management and Control (UTMC) systems can help local authorities manage their road networks better by using Intelligent Transport Systems to deliver an increasing range of policy objectives. These can include congestion management, air quality management, public transport priority and travel information.
- 6.22 Urban Traffic Management and Control systems are designed to allow the different applications used within modern traffic management systems, such as traffic signal control, air quality monitoring, car park management and bus priority, to communicate and share information with each other. Local authorities are increasingly adopting UTMC, and we continue to encourage its rollout across the country. Advice on UTMC can be found on the UTMC Development Group's website at [www.utmc.uk.com](http://www.utmc.uk.com).

### **Speed limits**

- 6.23 Local authorities can set speed limits by making Orders under the Road Traffic Regulation Act 1984. Reducing maximum speeds is likely to do more to improve flow and capacity on congested roads outside towns and cities, particularly on motorways, than in urban areas, but it may still have some benefit. Some authorities have piloted experimental variable mandatory 20 mph speed limits in urban

areas on road safety grounds, but without complementary enforcement or engineering measures there has been limited effect. Much greater safety benefit is achieved with permanent 20 mph zones and speed limits, which rely on engineering measures or the constraints of an existing road layout to ensure compliance with the lower limit. The resulting lower traffic speeds are unlikely to reduce emissions significantly, and may actually increase emissions of some pollutants. Speed limits below 30 mph generally have to be self-enforcing to be effective, and to achieve this some form of traffic calming is usually necessary. Local highway authorities no longer require the consent of the Secretary of State to introduce 20 mph zones or 20 mph speed limits. For further advice about the relevant Regulations, see Traffic Advisory Leaflet 9/99, '20 mph Speed Limits and Zones'

[www.dft.gov.uk/pgr/roads/tpm/tal/trafficmanagement/20mphspeedlimitsandzones](http://www.dft.gov.uk/pgr/roads/tpm/tal/trafficmanagement/20mphspeedlimitsandzones)

### **Transport information and guidance programmes**

- 6.24 The Department for Transport provides funding to the Energy Saving Trust (EST) for their work in reducing CO<sub>2</sub> emissions from transport. EST provides advice to consumers through their Energy Saving Trust advice centres, as well as fleet advice to businesses through green fleet reviews. In addition, EST manages grant programmes, on behalf of the Department for Transport, for alternative vehicle refuelling infrastructure and low carbon vehicle research and development. Future calls for research and development programmes will be managed by the Technology Strategy Board from April 2008.

### **Centres of excellence for integrated transport planning**

- 6.25 The Department for Transport set up the Centres of Excellence for an Integrated Transport Planning initiative in March 2001. The initiative aims to highlight good practice in integrated local transport planning as well as encouraging the sharing of good practice and experiences. See [www.local-transport.dft.gov.uk](http://www.local-transport.dft.gov.uk) for more information.

### **Home zones**

- 6.26 Home Zones are residential areas with streets designed for very low vehicle speeds which better suits the needs of pedestrians and cyclists. They are particularly suited to improving the neighbourhood environment for children and older people. The aim is to change the way streets are used in order to improve the quality of life. Home Zones provide scope for social activities such as people chatting or children playing, to take place in street space formerly considered to be almost exclusively for vehicles. Further information on Home Zones can be found at [www.homezones.org](http://www.homezones.org)

- 6.27 The Institute of Highway Incorporated Engineers issued *Home Zone Design Guidelines* in June 2002. These guidelines provide practical advice to those involved in the design, planning and implementation of home zones, drawing together good practice on Home Zones in the UK and abroad. Copies are available from [www.homezones.org.uk/public/guidance/index.cfm](http://www.homezones.org.uk/public/guidance/index.cfm).

### **Clear zones**

- 6.28 The Government supports the Clear Zones initiative, which ran between 1995 and 2005, and which was designed to encourage solutions to traffic problems in towns and cities while making sure town centres retain their accessibility, vitality and economic viability. A clear focus of the initiative was to reduce congestion and improve air quality by developing an integrated transport policy to meet local needs. A number of authorities have continued to apply and develop the concept, and further information can be found at [www.dft.gov.uk/pgr/roads/tpm/clearzones/](http://www.dft.gov.uk/pgr/roads/tpm/clearzones/)

### **Park and ride**

- 6.29 Local authorities need to design park and ride schemes carefully and should see them as just one measure in developing an integrated transport policy. To be most effective, park and ride schemes should be complemented by measures such as reductions in town centre parking, bus priority measures or pedestrianisation. Park and ride is unlikely to affect town centre traffic levels, and may simply add to the amount of traffic entering the town.
- 6.30 The provision of well sited park and ride sites using high quality, clean low emission buses encourages greater use of the service by motorists. Essential factors to address in devising a successful park and ride scheme include:
- well sited, quality sites some distance from the town centre, ideally where radial and orbital routes intersect;
  - bus priority measures and traffic restraint measures to complement park and ride services;
  - clear and conspicuous signing;
  - ease of access to the sites;
  - competitive bus-based park and ride tariffs compared to central parking area tariffs;
  - provision of a high quality frequent and reliable transit service;
  - journey time advantages over the car;
  - site facilities such as shelter, passenger information and security measures.

See Traffic Advisory Leaflet 2/01 for more information ([www.dft.gov.uk/pgr/roads/tpm/tal/parkingmatters/busbasedparkride](http://www.dft.gov.uk/pgr/roads/tpm/tal/parkingmatters/busbasedparkride))

## Airports

- 6.31 Although local authorities cannot directly control emissions from airports, local authorities can use their powers to reduce traffic flow around an airport, or encourage the use of public transport to and from airports. Local travel plans can include measures to reduce car dependency, and can be utilised by local authorities, businesses, schools, hospitals and other organisations. See [www.dft.gov.uk/pgr/sustainable/travelplans/](http://www.dft.gov.uk/pgr/sustainable/travelplans/)

## Smarter Choices

- 6.32 Research published in 2004 entitled '*Smarter Choices – Changing the Way We Travel*'<sup>7</sup> provided us with robust evidence of the impact of 'Smarter Choice' measures, particularly where intensively implemented, and identifying the differences such measures could make upon local traffic and congestion levels.
- 6.33 Smarter Choice measures include workplace and school travel plans, personalised travel planning, public transport information and marketing, travel awareness campaigns, car sharing, car clubs, teleworking and teleconferencing, cycling and walking. Where Smarter Choice measures are implemented within a supportive policy context (for example, re-allocation of road capacity, improvements to public transport service levels or cycle networks), they can be effective in facilitating choices to reduce car use and offer good value for money. Further information on smarter choices can be found at <http://www.dft.gov.uk/pgr/sustainable/smarterchoices>.

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<sup>7</sup> Department for Transport, July 2004. '*Smarter Choices: Changing the Way We Travel*'. <http://www.dft.gov.uk/pgr/sustainable/smarterchoices/ctwww/>

## Chapter 7: Planning

### Introduction

- 7.1 The planning and air quality functions of local authorities should be carried out in close cooperation. Planning Policy Statements are available at [www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/](http://www.communities.gov.uk/planningandbuilding/planning/planningpolicyguidance/planningpolicystatements/planningpolicystatements/).
- 7.2 The Government's policy in relation to planning consideration of air quality is set out in Planning Policy Statement 23 (PPS23): Planning and Pollution Control, and its annex covering pollution control, air and water quality. PPS23 aims to facilitate planning for good quality sustainable development that takes appropriate account of pollution control issues, while avoiding duplication of the existing pollution control systems. The PPS sets out how the planning system can contribute to improvements in air quality.
- 7.3 PPS23 advises that any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is a material planning consideration where it arises from or affects land use. It also advises that the existing and likely future air quality in an area should be considered in the preparation of development plan documents.
- 7.4 A number of other Planning Policy Statements will be relevant to air quality, such as PPS1 on Delivering Sustainable Development, PPS6 on Planning for Town Centres, and PPG13 on Transport.
- 7.5 Guidance on using the planning system to improve air quality, such as by using section 106 agreements under the Town and Country Planning Act 1990, is referred to in Practice Guidance accompanying this guidance.

### Combustion Installations

- 7.6 Planning policy statement 22 and a supplement to Planning Policy Statement 1, Planning and Climate Change, provide a policy framework which challenges planners to do more to support delivery of local renewable or local low-carbon energy. This could include energy from biomass and Combined Heat and Power. The national planning policy in relation to planning consideration of air quality that is set out in PPS23 should continue to be considered, especially if there are potential impacts on air quality.
- 7.7 Where planning decisions are being made in relation to combustion plant such as biomass combustion plant, air quality officers and planners should consider the right technology for the right place (see the UK Biomass Strategy at

[www.defra.gov.uk/environment/climatechange/uk/energy/renewablefuel/index.htm](http://www.defra.gov.uk/environment/climatechange/uk/energy/renewablefuel/index.htm)). Further guidance on biomass installations is provided in the Technical Guidance.

- 7.8 Building regulations (specifically Approved Document J – Combustion Appliances and Fuel Storage Systems - [www.planningportal.gov.uk/england/professionals/en/4000000000503.html](http://www.planningportal.gov.uk/england/professionals/en/4000000000503.html)) are also relevant, and statutory nuisance provisions under Part III of the Environmental Protection Act 1990 may be applicable where the combustion installation is not situated in a smoke control area.
- 7.9 Local authorities can designate areas as smoke control areas under Part III of the Clean Air Act 1993. In smoke control areas, only appliances that are exempted from the provisions of the Clean Air Act 1993 may be used (see [www.uksmokecontrolareas.co.uk](http://www.uksmokecontrolareas.co.uk) for more information). There will be situations where an alternative regulatory regime applies (see Annex XVIII of the General Guidance Manual on Policy Procedures for A2 and B Installations at [www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/pdf/ggm-anual-2008-partb.pdf](http://www.defra.gov.uk/environment/ppc/localauth/pubs/guidance/pdf/ggm-anual-2008-partb.pdf)), but where the Clean Air Act 1993 applies, local authorities:
- must take action where dark smoke is emitted from a chimney of any building (subject to certain permitted periods and exemptions);
  - must take action where dark smoke is emitted from industrial or trade premises (subject to certain exemptions);
  - can require notification of installation of industrial furnaces and approve grit and dust arrestment equipment; and
  - approve chimney heights of certain furnaces.
- 7.10 Under the Clean Air Act 1993, local authorities can also:
- require people to adapt their fireplaces to burn smokeless fuel;
  - restrict the burning of unauthorised fuels except in exempted fireplaces. Details of authorised fuels and exempted fireplaces are available at the website above;
  - restrict the sale of unauthorised fuels.
- 7.11 In a smoke control area, it is an offence to emit smoke from any chimney. It is also an offence to acquire for use or to sell for delivery any fuel, other than an authorised smokeless fuel, unless it is to be burned on a fireplace exempted from the smoke control order, and in accordance with the conditions of use of that fireplace.
- 7.12 Air quality officers should be aware of permitted development rights and the impact that these might have when, for example, a biomass heating system is installed in a dwelling which has a flue not exceeding one metre from the highest part of a roof, among other conditions. See the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and other

information on permitted development, at  
[www.planningportal.gov.uk/england/genpub/en/1115315862222.html](http://www.planningportal.gov.uk/england/genpub/en/1115315862222.html).

- 7.13 Environmental controls, such as those under the Clean Air Act 1993, still apply, as does the power of the local authority to make 'Article 4' directions in order to withdraw permitted development rights where there is a material impact on, for example, air quality.

## Chapter 8: The national performance framework and the air quality indicator

- 8.1 The national air quality indicator, NI194, requires local authorities (in England only) to report on emissions of nitrogen oxides (NO<sub>x</sub>) and primary PM<sub>10</sub> from their own estates and operations, with the option for the top-tier authority to use this indicator as the basis for one of up to 35 improvement targets. All local authorities, not just those that select NI194 for an improvement target, are required to develop a baseline of emissions from their own estates and operations, and then report on total emissions and percentage reduction in emissions against this indicator by each year. Guidance on NI194 and the emissions tool to be used to calculate emissions is available at [www.defra.gov.uk/environment/airquality/local/indicator.htm](http://www.defra.gov.uk/environment/airquality/local/indicator.htm).
- 8.2 Some local authorities have been very proactive in compiling fleet inventories to establish the impact that their vehicles have on air quality, and where improvements can be made (by using low emission vehicles or modern vehicles complying with the latest Euro standards, for example). As local authorities will report on total emissions as well as percentage reduction in emissions, it will be possible to tell which authorities have already taken steps to clean up their vehicle fleet, estate and operations.

## Part 2: Further practical guidance

### Further advice

Defra and a number of other organisations provide further advice and guidance on how to improve air quality:

#### UK Air Quality Archive

The UK Air Quality Archive provides, among other things, advice on local air quality management, including a range of local air quality management tools - [www.airquality.co.uk/archive/lagm/lagm.php](http://www.airquality.co.uk/archive/lagm/lagm.php). The site also contains air quality monitoring data across the UK.

#### Helpdesks

A number of helpdesks are operated on behalf of Defra and the Devolved Administrations:

Air Quality Support Helpdesk –

Tel: 0870 190 6050

Email: [lasupport@aeat.co.uk](mailto:lasupport@aeat.co.uk)

Frequently asked questions:

[www.airquality.co.uk/archive/kb.php?sub\\_zone\\_id=2&action=displaysubzone](http://www.airquality.co.uk/archive/kb.php?sub_zone_id=2&action=displaysubzone)

Review and Assessment Helpdesk –

Tel: 0117 328 3668

Email: [aqm-review@uwe.ac.uk](mailto:aqm-review@uwe.ac.uk)

Frequently asked questions: [www.uwe.ac.uk/aqm/review/questions.html](http://www.uwe.ac.uk/aqm/review/questions.html)

Action Plan Helpdesk –

Tel: 0870 190 6050

Email: [lasupport@aeat.co.uk](mailto:lasupport@aeat.co.uk)

#### London Best Practice Guidance: The Control of Dust and Emissions from Construction and Demolition

The Greater London Authority and London Councils have produced 'best practice guidance' to control dust and emissions from construction and demolition. It is not a requirement to comply with this guidance in itself outside of London, but local authorities and developers may find this guidance useful in their efforts to reduce emissions from construction and demolition:

[www.london.gov.uk/mayor/environment/air\\_quality/construction-dust.jsp](http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp)

## **Development Control: Planning for Air Quality**

Environmental Protection UK has published guidance on the planning system and air quality management, and this is available at [http://www.environmental-protection.org.uk/assets/library/documents/Development\\_Control\\_planning\\_for\\_air\\_quality.pdf](http://www.environmental-protection.org.uk/assets/library/documents/Development_Control_planning_for_air_quality.pdf). It is up to local authorities to decide if they wish to refer to this guidance.

## **Low Emission Zones in Europe**

This website provides information on the location of low emission zones across Europe and how to comply. It will be of interest not only to those who need to know whether and how they need to comply with a low emission zone in Europe, but also to those considering developing a low emission zone: [www.lowemissionzones.eu/content/view/127/235/lang,en/](http://www.lowemissionzones.eu/content/view/127/235/lang,en/)

## **2 Practice Guidance**

### **Overview**

Practice Guidance accompanies this Policy Guidance, and is available via [www.defra.gov.uk/environment/airquality/local/guidance/index.htm](http://www.defra.gov.uk/environment/airquality/local/guidance/index.htm). The Practice Guidance points local authorities towards the more ambitious and effective measures that they can take, including:

- Establishing low emission zones
- Encouraging the uptake of low emission vehicles
- Encouraging the uptake of retrofitted abatement equipment on vehicles

Guidance is also provided on economic principles for the assessment of local measures to improve air quality.

It is not mandatory for local authorities to follow this Practice Guidance to its full extent. It is for local authorities to determine what will work best in their situation.

## **Annex A: Model air quality management area order**

Environment Act 1995 Part IV Section 83(1)

[Name of Council]  
AQMA Order

[Name of Council ], in exercise of the powers conferred upon it by Section 83(1) of the Environment Act 1995, hereby makes the following Order.

This Order may be cited/referred to as the [name of Council] Air Quality Management Area [No1, 2,3 if more than one is being designated] and shall come into effect on [date]

The area shown on the attached map in red is to be designated as an air quality management area (the designated area). The designated area incorporates [the whole borough of said Council] or [name of street/trunk road] or [stretch of road between junction X and junction Y]. The map may be viewed at the Council Offices

This Area is designated in relation to a likely breach of the [nitrogen dioxide (annual mean)] objective as specified in the Air Quality Regulations 2000

This Order shall remain in force until it is varied or revoked by a subsequent order.

The Common Seal of [Name of Council]  
was hereto affixed on [date] and signed in the presence of /on behalf  
of said Council

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