



## CABINET REPORT

<b>Report Title</b>	<b>Air Quality</b>
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**AGENDA STATUS: PUBLIC**

<b>Cabinet Meeting Date:</b>	13 September 2017
<b>Key Decision:</b>	YES
<b>Within Policy:</b>	YES
<b>Policy Document:</b>	Northampton Low Emission Strategy
<b>Directorate:</b>	Customers and Communities
<b>Accountable Cabinet Member:</b>	Cllr Mike Hallam
<b>Ward(s)</b>	All

### 1. Purpose

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- 1.1 To seek Cabinet approval for the response to the report of Scrutiny Panel 4 Emissions Strategy (Action Plan) and to seek approval of actions to address areas of exceedance of air quality standards by the designation of Air Quality Management Area(s) and the investigation of the creation of a Clean Air Zone (s) in Northampton.

### 2. Recommendations

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- 2.1 That Cabinet acknowledges the excellent work of Scrutiny Panel 4 in the production of their report Emissions Strategy (Action Plan).
- 2.2 That Cabinet responds to the recommendations of the Scrutiny report as outlined below and confirms that the Low Emissions Strategy will be brought forward for adoption as soon as possible.
- 2.3 That Cabinet endorse the establishment of a multi-agency Air Quality Working Group to actively engage all stakeholders in the implementation of the Low Emissions Strategy and to develop further air quality initiatives.

- 2.4 That Cabinet endorse the extension of the Council's air quality monitoring network on a risk based basis to incorporate locations such as schools and residential areas where significant numbers of sensitive receptors may be exposed to elevated concentrations of air pollution.
- 2.5 That Cabinet, noting that the Council is legally required to take action to address recently identified exceedances of air quality objective for Nitrogen Dioxide around Northgate Bus Station and The Drapery, Abington Square and Wellingborough Road, resolves to declare appropriate air quality management areas (AQMA's).
- 2.6 That Cabinet declares a single air quality management area which encompasses existing areas of exceedance in the town centre and newly identified areas of exceedance. As outlined in Appendix 2
- 2.7. That Cabinet note that the work undertaken so far in the development of the Strategy is broadly in line with the requirements for the designation of a Non Charging Clean Air Zone as outlined in the DEFRA / DoT Clean Air Zone Framework and authorise the further development of this work with the aim of the development of a Clean Air Zone for Northampton.

### **3. Issues and Choices**

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#### **3.1 Report Background**

- 3.1.1 The Environment Act 1995 places a statutory obligation on each local authority in the UK to carry out regular review and assessment of air quality in its area. The aim of the review is to make sure that the national air quality objectives will be achieved throughout the UK by the relevant deadlines. These objectives have been put in place to protect people's health and the environment.
- 3.1.2 A local authority must designate an AQMA when it appears that any of the air quality objectives are not being achieved. The district council may amend or revoke an area as appropriate in the light of subsequent reviews. Northampton currently has a total of seven AQMA's declared at locations where Nitrogen Dioxide levels have consistently exceeded the national air quality objective. The locations of the existing AQMA's are shown on the plan at Appendix 1.

#### **3.2 Issues**

- 3.2.1 Following the assessment of the results of air quality monitoring undertaken over the last three years, further areas of consistent exceedance of the air quality objective for nitrogen dioxide have been identified around the Northgate Bus station and the Drapery, around Abington Square and the junction near Wellingborough Road and St Edmunds Street. Ongoing air quality monitoring will continued and across the borough with monitoring locations being selected on a risk based basis to incorporate locations with significant exposure to vulnerable groups including areas around schools and business premises.
- 3.2.2 Work has been progressing to develop a Low Emissions Strategy (LES) for Northampton. The principle behind the strategy is to promote, support and

encourage the uptake of low emission vehicles as a means to addressing air quality in Northampton. Scrutiny Panel 4 has provided valuable input into the development of an action plan for the implementation of this strategy and thanks are expressed to the panel for this work

3.2.3 The majority of the recommendations of the panel are practical and workable and it is recommended that these recommendations are endorsed as outlined below. A small number of the recommendations are either not currently practical given current levels of technology, or require significant expenditure.

3.2.4 Northampton has been identified in the recently published DEFRA Air quality plan for nitrogen dioxide in the UK as having one or more roads predicted to persistently exceed NO<sub>2</sub> legal limits. However, as the DEFRA forecast indicates that the levels will drop to within legal limits by 2018 the authority is not one of those to be legally mandated to have a Clean Air Zone (CAZ).

3.2.5 A number of cities in the near vicinity including Leicester, Nottingham, Derby and Birmingham have been mandated. There is a justified concern that with focus of Government action on those areas with mandated CAZ that transport and fleet operators could relocate their more polluting vehicles to areas such as Northampton where there are no enforceable vehicle emission standards in place. One local bus operator has identified that future investment will be targeted at complying with CAZ standards in other regions, and therefore investment in the local Northampton fleet is likely to stagnate. It is therefore considered actions should be taken to address this risk and progress the development of a voluntary CAZ to set an appropriate emission standard for Northampton. This would complement and enhance the work already undertaken in the development of the LES action plan.

3.2.6 The responses to the recommendations of Scrutiny Panel 4 are as follows

#### 3.2.6.1 Recommendation

The Scrutiny Panel notes that the Emissions Strategy only covers the period until 2025. A longer term strategy is devised and implemented so that major stakeholders in the town will have a better understanding of the goals of the town, and can plan ahead to meet them.

#### *Response*

*It is agreed that it is sensible to align the timeframe covered by the Low Emissions Strategy with that covered by the Joint Core Strategy Local Plan (Part 2). It is therefore agreed that the initial strategy will cover the period to 2029 with a commitment to ongoing review and development until 2040.*

#### 3.2.6.2 Recommendation

The Scrutiny Panel notes that while vehicle emissions contribute to poor air quality, there are other sources of pollution in the town, including residential, commercial and industrial activity. It should be ensured that the Borough Council uses all measures available to influence all planning activities and the development of the Local Plan and Licensing, to help mitigate any adverse

effects and to ensure that any developments in the future do not adversely contribute to poor air quality.

*Response*

*This principle is accepted. The Local Plan (Part 2) will take into account Air Quality considerations and policies to ensure that the impacts of new development are appropriately mitigated. The Northampton Low Emissions Strategy will provide technical guidance on considering the air quality impacts of development schemes. Licensing Policies are being developed (for example the Vehicle Emissions Policy) which aim to mitigate the impact of Taxi and Private Hire Vehicle Emissions.*

3.2.6.3 Recommendation

The Borough Council takes the initiative with electric charging points. Borough owned car parks should have charging points installed so that those with electric cars can charge them while they shop. These charge points should allow preferential parking to encourage the use of electric vehicles.

*Response*

*A plan for the introduction of electric vehicle charging points which will include a cost and funding appraisal for such a scheme, is currently in preparation. The installation of an initial 10 charging points within our car parks is being progressed.*

3.2.6.4 Recommendation

The NLES contains a procurement guide which seeks to emphasise low emission procurement. The procurement guide that has been developed is championed, trialled and applied throughout Council procurement policy where possible, and uses this as best practice for investigating the benefit of whole life costing for ULEV. A local employer is identified to trial this as a best practice example.

*Response*

*Discussions are being progressed with the Council's procurement team as to how the guide can be most effectively applied. Contact will be made with local employers to seek a partner for the appropriate trial.*

3.2.6.5 Recommendation

There is a requirement for any new commercial development to have provision for car charging points. Furthermore, the Council should work with existing commercial developments such as Sixfields, Riverside retail park and major supermarkets to provide charging points for electric vehicles.

*Response*

*The National Planning Policy Framework (NPPF) requires the installation of electric vehicle charging points on new developments where practical. The*

*Northampton Low Emissions Strategy will include suggested standards for the installation of charging points on new developments. While there is no policy basis for requiring developments to install charge points retrospectively, large developments will be encouraged to provide charge points and be made aware of national funding opportunities in this area*

#### 3.2.6.6 Recommendation

Northampton Borough Council works with private companies to provide electric charging points at minimal cost to the tax payer in those places not covered above and where there is demand.

#### *Response*

*An electric vehicle plan is currently being drafted in partnership with Northamptonshire County Council. This document will outline how this objective can be progressed.*

#### 3.2.6.7 Recommendation

The Scrutiny Panel informs Cabinet that it supports the production of the Borough Council's Low Emissions Strategy and Action Plan; noting the measures included within it that will improve air quality in Northampton, which places an emphasis on emissions reduction (e.g. shift to cleaner alternative vehicles and reduction of users on Northampton's roads.)

#### *Response*

*This support is welcomed and Cabinet will now use the Panel's findings to help finalize its Low Emissions Strategy which will be brought forward for adoption by the end of 2017.*

#### 3.2.6.8 Recommendation

It is strongly recommended that a town centre wide AQMA is implemented and enquiries are made to more joined up or expanded the AQMAs in Northampton.

#### *Response*

*Cabinet is presented with the options for the declaration of air quality management area(s) to address recently identified areas of exceedance of air quality standards.*

#### 3.2.6.9 Recommendation

The following are included within the Low Emissions Strategy Action Plan:

Where it is not feasible to install full electric vehicle recharging points, developers are encouraged to install cabling for electric vehicle charging points so that they can be activated at a later date.

*Response*

*This encouragement is supported*

3.2.6.10 Recommendation

The draft NICE guidelines in respect of minimising the exposure of vulnerable groups to air pollution by siting buildings away from busy roads and ensuring facilities such as schools, nurseries and retirement homes are located in areas where pollution levels are low is considered in relation to development proposals and planning decisions.

*Response*

*This guidance will be considered. The Northampton Low Emissions Strategy and regional planning guidance take account of the NICE guidance. These documents include technical guidance for consideration of air quality in the planning process and include measures to prevent exposure of vulnerable groups due to inappropriate development. This will be promoted as good practice.*

3.2.6.11 Recommendation

The Low Emissions Strategy links to Northamptonshire County Council's Health and Wellbeing Strategy.

*Response*

*The appropriate links will be made.*

3.2.6.12 Recommendation

Northampton Borough Council works with Northamptonshire County Council and bus operators regarding the viability and mode of usage of a park and ride scheme for Northampton. The appropriate Community Groups and Councillors are consulted on this.

*Response*

*Ongoing work will be progressed on the development of transport hubs and schemes to give appropriate sustainable transport priority.*

3.2.6.13 Recommendation

The times that reduced priced parking in Northampton are offered is investigated to ascertain whether a better balance of free parking and the minimisation of pollution and congestion is achieved.

*Response*

*Car park pricing policy will be reviewed taking account of the impact that the policy has on congestion in the town centre.*

#### 3.2.6.14 Recommendation

Enquiries are made with Planning Services regarding how the most effective way bus routes can be maximised through the use of spine roads and direct through routes (separate entry and exits) in developments; encouraging bus routes and off street parking within residential areas to allow for a more free flow of public transport.

##### *Response*

*This mode of design is considered to be current good practice and is supported by current policies.*

#### 3.2.6.15 Recommendation

Investigations are carried out into the feasibility of a Clean Air Zone for Northampton.

##### *Response*

*Cabinet are being asked to support the investigation into the feasibility of this proposal.*

#### 3.2.6.16 Recommendation

Investigations into potential sources of funding to develop an electric taxi trial and on street electric charging points for residential areas are carried out.

##### *Response*

*The proposed electric vehicle plan will outline how these investigations can be progressed. As further low emissions technology becomes available, the Council will support their use in Northampton.*

#### 3.2.6.17 Recommendation

Support is given to a mitigation as standard approach for all new developments regarding air quality impact.

##### *Response*

*This principle is currently advocated as good practice. However additional evidence will be required to embed this approach within Planning Policy. Work will be progressed to establish the necessary evidence base required.*

### 3.2.6.18 Recommendation

Initiatives to raise awareness regarding air quality are investigated; such as the offer of a voucher for a week's trial of an electric car and "Don't use the car for a day" initiative.

#### *Response*

*These initiatives are being actively pursued.*

### 3.2.6.19 Recommendation

Real time air quality information and pollution prevention advice is published on information boards on main roads into AQM areas.

#### *Response*

*The provision of real time air quality data in this way is not currently technically feasible at reasonable cost. Investigations are to be progressed into the use of the information boards to promote positive air quality messages e.g. how congestion could be reduced by car sharing, walking or cycling.*

### 3.2.6.20 Recommendation

Information regarding Electric Corby's Initiative – Electric Cars for Private Hire is circulated to all Private Hire Operators in Northampton. Partner Agencies

#### *Response*

*This information has been circulated to Private Hire Operators.*

### 3.2.6.21 Recommendation

The Terms of Reference of Multi Agency and Community Meetings regarding developments on the edge of Northampton are investigated to improve the effectiveness of the meetings.

#### *Response*

*Stakeholder groups are established on a site by site basis to consider major developments. Some flexibility is required in how these groups are formed so it may not be possible to have standard terms of reference, however the principle of widespread engagement is encouraged.*

### 3.2.6.21 Recommendation

A feasibility study is undertaken regarding the viability of changing the entry and exit of the Mayorhold car park and whether this would help congestion, taking into account of the development of the Greyfriars site.

#### *Response*



*Air quality will be a significant consideration in the planning of this major development.*

#### 3.2.6.22 Recommendation

The Scrutiny Panel notes that partner Agencies and Councils are also undertaking work on air quality. To ensure that there is co-operation between County, Borough, District and other stakeholders (including Community Groups), a cross Council Working Group is established so that co-operation is improved.

#### *Response*

*Cabinet are asked to endorse the establishment of a multi-agency Air Quality Working Group to actively engage all stakeholders in the implementation of the Low Emissions Strategy and to develop further air quality initiatives. This will include an investigation of how traffic management provisions and enforcement powers can be effectively used to address air quality issues*

#### 3.2.6.23 Recommendation

The Licensing Committee works with partners such as the Hackney Carriage Association to promote the use of low emissions vehicles. The Licensing Committee should work with partners to formulate a robust strategy when licensing new vehicles in the town.

#### *Response*

*Consultation has been carried out on a draft taxi and private hire vehicle emissions policy and this will be brought forward to Licensing Committee for adoption by the end of the year.*

#### 3.2.6.24 Recommendation

The Borough Council works with partners such as stagecoach and UNO to ensure that any new buses moving into the town meet high standards, and that the council works with its partners at the County Council to investigate the setting of an emissions standards for buses, such as the introduction of a Traffic Regulation Order (TRO) or a Clean Air Zone. This should be a progressive standard which sets an initial benchmark.

#### *Response*

*This approach is supported and would be a key objective of any Clean Air Zone*

#### 3.2.6.25 Recommendation

The Borough Council works with Stagecoach and UNO to trial electric and/or alternative fuel vehicles if funding can be secured from central Government.

#### *Response*

*This work is being progressed.*

### 3.2.6.26 Recommendation

Northampton Borough Council works with Highways, Northamptonshire County Council to review the current and future planned road networks to determine if there are any changes that can be made to speed up traffic into, out of, through and around the town.

#### *Response*

*Partnership working on initiatives including smart corridors projects will continue.*

### 3.2.6.27 Recommendation

A strong emphasis is placed on the planning system to encourage any new development (where members of the public are able to commute to home, work or retail) to be serviced by public transport. Where feasible this should be secured as a condition of development or by agreement, e.g. use of s.106 agreement.

#### *Response*

*It is recognised that the Planning System is an important tool in requiring measures on new development which will contribute towards improving air quality. The forthcoming Local Plan 2 process is an opportunity to consider the evidence on how new development will contribute to air quality in the town, and if necessary, introduce policies to ensure that these impacts are mitigated.*

### 3.2.6.28 Recommendation

Investigations are carried out to clarify responsibility for the provision of appropriate infrastructure to promote the use alternative means of transport such as the use of buses, walking and cycling: for example bus shelters and cycle routes.

#### *Response*

*This will be progressed.*

## 3.3 **Choices (Options)**

- 3.3.1 The recommendation is that a single town centre AQMA is declared. This is the amendment of existing AQMAs (except for those on the M1 and A45 and at Harborough Road) to encompass the inner ring road and the main arterial roads into the town as shown in Appendix2. This has the advantages of allowing co-ordinated action to address air quality issues across all locations in a holistic manner. It prevents the risk of solving an air quality problem in one location but creating an exceedance in another location, for example by re-routing traffic. It builds on the approach outlined in the planning guidance developed as part of the low emissions strategy whereby air quality mitigation actions can have a much broader focus. However it does have risk of perceived blight as some

parts of the town where air quality standards are not breached would be included in the wider AQMA.

- 3.3.2 An alternative option would be to retain the existing AQMAs and declare two further AQMAs in The Drapery/Northgate, and Abington Square /Wellingborough Road areas as shown in Appendix 3. This option satisfies the Council's legal obligation to act on air quality exceedances and avoids including areas not in breach of standards in an AQMA. However it does not facilitate a joined up approach to addressing the problems and presents the risk of creating new areas of exceedance due to displacement of traffic causing pollution into other areas in the central part of the town. In addition it does not allow for a forward thinking approach to take proper account of the ongoing and proposed developments in and around the town.
- 3.3.3 A third option of taking of taking no action would place the Council in breach of its legal duty under the Environment Act 1995.

#### **4. Implications (including financial implications)**

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##### **Policy**

- 4.1.1 Agreement to the finalising of the Low Emissions Strategy and to progress the development of a Clean Air Zone. Formal declaration of new Air Quality Management Area

##### **4.1 Resources and Risk**

- 4.2.1 This work will be progressed within existing budgets with any relevant opportunities for grant funding being followed up.

##### **4.3 Legal**

- 4.3.1 Section 82 of the Environment Act 1995 requires local authorities to review the quality of the air within their area from time to time and assess whether air quality standards are being achieved within that area.
- 4.3.2 Section 83 of the Act requires that if, following review, it appears that air quality standards are not being achieved **in any part of its area** then a local authority must by order designate that area as an Air Quality Management Area (AQMA) until such time as, following further review, air quality standards and objectives are being achieved.
- 4.3.3 Under Section 84, the local authority must prepare a written action plan, which must, by law, include the measures to be used to improve air quality and the time or times in which it proposes to implement these measures. However, Northamptonshire County Council have the power to disagree with the action plan or any revision. In the event of a disagreement to an action plan either Authority may refer the matter to the Secretary of State.
- 4.3.4 Failure to comply with Section 82 to 84 of the Act would increase the risk of the Council being judicially reviewed by any person aggrieved by air quality standards in Northampton. A challenge may also arise from the perceived

insufficiency of any action plan prepared under section 84 with regard to the requirements of the air quality objectives established in the Air Quality (England) Regulations 2000.

4.3.5 There are no direct Human Rights consequences of a failure to comply with the above statutory obligations. A perceived breach of human rights may be an element of the Claimant's argument.

4.3.6 Creating any new AQMAs would potentially leave the Council open to the risk of challenge in respect of the decision which covers that particular part of its area. Creating a town centre wide AQMA would also create a larger pool of potential claimants for judicial review, therefore increasing the risk of review.

#### **4.4 Equality and Health**

4.4.1 A Community Impact Assessment has been carried out.

#### **4.5 Consultees (Internal and External)**

4.5.1 Planning, Legal, Finance,

4.5.2 Public Health Team Northamptonshire County Council.

#### **4.6 How the Proposals Deliver Priority Outcomes**

4.6.1 The progressing of the LES and the declaration of the AQMA are key actions to protect the environment of Northampton

#### **4.7 Other Implications**

4.7.1 None

### **5. Background Papers**

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5.1 None

**Julie Seddon**  
**Director of Customers & Communities**  
**Email: [jseddon@northampton.gov.uk](mailto:jseddon@northampton.gov.uk)**