



Northamptonshire County Council

APPENDIX 6-1

Legislation, Policy and Guidance





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No 8 First Street

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M15 4RP

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6. LEGISLATION, POLICY AND GUIDANCE

EUROPEAN AND NATIONAL LEGISLATION

UK AIR QUALITY STRATEGY (AQS)

- 6.1.1. The AQS¹ sets standards and objectives for nine key air pollutants to protect health, vegetation and ecosystems. These are benzene (C₆H₆), 1,3 butadiene (C₄H₆), carbon monoxide (CO), lead (Pb), nitrogen dioxide (NO₂), particulate matter (PM₁₀ and PM_{2.5}), sulphur dioxide (SO₂), ozone (O₃), and polycyclic aromatic hydrocarbons (PAHs).
- 6.1.2. The air quality standards are levels recommended by the Expert Panel on Air Quality Standards (EPAQS) and the World Health Organisation (WHO) with regards to current scientific knowledge about the effects of each pollutant on health and the environment.
- 6.1.3. The air quality objectives are medium-term policy based targets set by the Government, which take into account economic efficiency, practicability, technical feasibility and timescale. Some objectives are equal to the EPAQS recommended standards or WHO guideline limits, whereas others involve a margin of tolerance, i.e. a limited number of permitted exceedances of the standard over a given period.
- 6.1.4. For the pollutants considered in this assessment, there are both long-term (annual mean) and short-term standards. In the case of NO₂, the short-term standard is for a 1-hour averaging period, whereas for PM₁₀ it is for a 24-hour averaging period. These periods reflect the varying impacts on health of differing exposures to pollutants, for example temporary exposure on the pavement adjacent to a busy road, compared with the exposure of residential properties adjacent to a road.
- 6.1.5. The AQS contains a framework for considering the effects of a finer group of particles known as 'PM_{2.5}' as there is increasing evidence that this size of particles can be more closely associated with observed adverse health effects than PM₁₀. Local Authorities are required to work towards reducing emissions/concentrations of particulate matter within their administrative area.

AIR QUALITY REGULATIONS

- 6.1.6. Many of the objectives in the AQS have been made statutory in England with the Air Quality (England) Regulations 2000² and the Air Quality (England) (Amendment) Regulations 2002³ for the purpose of Local Air Quality Management (LAQM).
- 6.1.7. These Regulations require that likely exceedances of the AQS objectives are assessed in relation to:

¹ Department for Environment, Food and Rural Affairs (2007). The Air Quality Strategy for England, Scotland, Wales and Northern Ireland Volumes 1 and 2. Defra: London.

² The Air Quality (England) Regulations 2000. 2000 SI 2000/928. London: HMSO

³ The Air Quality (England) (Amendment) Regulations 2002. 2002 SI 2002/3043 London: HMSO.

- 6.1.8. "...the quality of air 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..."
- 6.1.9. The Air Quality Standards (Amendment) Regulations 2016⁴ transpose the European Union Ambient Air Quality Directive (2008/50/EC) into law in England. This Directive sets legally binding limit values for concentrations in outdoor air of major air pollutants that impact public health such as PM₁₀, PM_{2.5} and NO₂. The limit values for NO₂ and PM₁₀ are the same concentration levels as the relevant AQS objectives and the limit value for PM_{2.5} is a concentration of 25µg/m³.

CLEAN AIR STRATEGY (2019)

- 6.1.10. Relevant information contained within the Clean Air Strategy includes:

'Understanding the Problem

- § *We (UK Government) are investing £10 million in improving our modelling, data and analytical tools to give a more precise picture of current air quality and the impact of policies on it in future; and*
- § *We will increase transparency by bringing local and national monitoring data together into a single accessible portal for information on air quality monitoring and modelling, catalysing public engagement through citizen science.*

- 6.1.11. Protecting the Nation's Health

- § *We will provide a personal air quality messaging system to inform the public, particularly those who are vulnerable to air pollution, about the air quality forecast, providing clearer information on air pollution episodes and accessible health advice;*
- § *We will back these goals up with powers designed to enable targeted local action in areas with an air pollution problem;*
- § *We will work to improve air quality by helping individuals and organisations understand how they could reduce their contribution to air pollution, showing how this can help them protect their families, colleagues and neighbours;*
- § *We have published updated appraisal tools and accompanying guidance to enable the health impacts of air pollution to be considered in every relevant policy decision that is made;*
- § *We will progressively cut public exposure to particulate matter pollution as suggested by the World Health Organization. We will set a new, ambitious, long-term target to reduce people's exposure to PM_{2.5} and will publish evidence early in 2019 to examine what action would be needed to meet the WHO annual mean guideline limit of 10µg/m³;*
- § *By implementing the policies in this Strategy, we will reduce PM_{2.5} concentrations across the UK, so that the number of people living in locations above the WHO guideline level of 10µg/m³ is reduced by 50% by 2025; and*

⁴ The Air Quality Standards (Amendment) Regulations 2016. 2016 SI 2016/1184 London: HMSO.

§ *By taking action on air pollution we can help people live well for longer, as set out in the Department of Health and Social Care’s recently published ‘Prevention is Better than Cure’ document, which sets the scene for the development of a prevention green paper.*

6.1.12. Protecting the Environment

§ *We will monitor the impacts of air pollution on natural habitats and report annually so that we can chart progress as we reduce the harm air pollution does to the environment;*

§ *We will provide guidance for local authorities explaining how cumulative impacts of nitrogen deposition on natural habitats should be mitigated and assessed through the planning system; and*

§ *We will commit to a new target for the reduction of damaging deposition of reactive forms of nitrogen and review what longer term targets should be to further tackle the environmental impacts of air pollution.*

6.1.13. Action to Reduce Emissions from Transport

§ *New legislation will enable the Transport Secretary to compel manufacturers to recall vehicles and non-road mobile machinery for any failures in their emissions control system, and to take effective action against tampering with vehicle emissions control systems;*

§ *We will reduce emissions from rail and reduce passenger and worker exposure to air pollution. By the spring 2019, the rail industry will produce recommendations and a route map to phase out diesel-only trains by 2040;*

§ *We are working with the Treasury to review current uses of red diesel and ensure its lower cost is not discouraging the transition to cleaner alternatives; and*

§ *We will explore permitting approaches to reduce emissions from non-road mobile machinery, particularly in urban areas.’*

NORTHAMPTON LOW EMISSION STRATEGY 2017-2025

6.1.14. The Northampton Low Emission Strategy (NLES)⁵ has been developed through collaboration between Northampton Borough Council (NBC) and Northamptonshire County Council (NCC), including Public Health with each organisation having an input and contributing to the content of the strategy. The NLES project is funded by DEFRA and managed by the NBC Environmental Health & Licensing Department, with technical support provided by Low Emissions Strategies Ltd. The NLES is intended to influence and shape local and regional strategies, plans and policies to facilitate a reduction in emissions from vehicles, and improve air quality, resulting in a healthier place for people to live, work and visit. The Strategy sets out specific aims and objectives to be achieved over the next five years, although it is recognised that further action will continue to be required beyond the timeframe of this Strategy. It is intended that the Strategy will be kept under review and will be renewed towards the end of the five year period to take into account changing needs, technologies and priorities. The Strategy forms part of the Northampton Air Quality Action Plan (AQAP) and a

⁵ Northampton Low Emission Strategy 2017-2025 – Northampton Borough Council (December 2017)

Task Group will be set up to deliver the objectives within this Strategy and provide an annual progress report.

6.1.15. In 2013, NCC published a Northamptonshire Highways Air Quality Strategy as a ‘daughter document’ to the Northamptonshire Transportation Plan (2012). The aims and the policies of the Strategy are shown below. The NLES seeks to update and build on these vehicle emission improvement policies:

- § *‘Air Quality Policy 1: We will seek to reduce the impact of vehicle emissions and improve air quality in Northamptonshire by encouraging modal shift, by managing congestion on our road network and through effective partnership working;*
- § *Air Quality Policy 2: We will aim to reduce the vehicle emissions that have a damaging effect on air quality by increasing the attractiveness of low-polluting alternatives to the private car and encouraging modal shift;*
- § *Air Quality Policy 3: We will continue to be part of the Plugged in Places scheme and will work with partners and residents to install charging points at key locations;*
- § *Air Quality Policy 4: Where air quality and carbon emissions is a problem and a major concern for local communities, the County Council will consider the introduction of low emission zones to encourage the use of cleaner vehicles, limit access to certain vehicle types or reduce the number of vehicles overall;*
- § *Air Quality Policy 5: We will work to reduce vehicle emissions on our urban roads by tackling congestion through network management;*
- § *Air Quality Policy 6: We will work with local operators and Government to seek the introduction of buses fuelled by alternative fuel sources in Northamptonshire;*
- § *Air Quality Policy 7: We will work more closely with the district and borough councils to improve air quality in the county and reduce the number of Air Quality Management Areas;*
- § *Air Quality Policy 8: We will work with our partners and stakeholders to increase the importance that is placed on air quality management when new developments are planned. If a proposed development is expected to have a detrimental effect on air quality at a location then funding should be sought from the developer to mitigate the problem’; and*
- § *The NLES has been structured into 3 sections – Evidence for Change, Creating a Low Emission Future and Northampton Vehicle Emission Framework. Evidence for change highlights the information gathered by Northampton on air quality and vehicle emissions and the health impacts of air pollution. Creating a Low Emission Future looks at how NBC and NCC can use a variety of policy mechanisms to improve air quality and achieve good growth. Relevant information includes:*

6.1.16. ‘Transport Management & Travel Planning – NBC will:

- § *Promote modal shift away from cars to sustainable transport modes, including public transport, walking and cycling;*
- § *Promote travel planning;*
- § *Undertake a Clean Air Zone (CAZ) / Low Emission Zone (LEZ) feasibility study in partnership with NCC and in line with the national Clean Air Zone Framework and Northamptonshire Highways Air Quality Strategy; and*
- § *Promote the uptake of ultra-low emission vehicles (ULEV) in line with the Northampton Electric Vehicle Plan.*

6.1.17. Land Use Planning & Development Control – NBC will:

- § *Adopt Air Quality and Planning Technical Guidance as part of the NLES;*
- § *The guidance will provide clarity to developers in considering air quality and new developments;*
- § *The guidance will promote the consideration of mitigation at the design stage and provide mechanisms for offsetting mitigation on major schemes; and*
- § *Electric vehicle charging specifications will be introduced for new developments.*

6.1.18. Public Sector Procurement – NBC will:

- § *Require the consideration of vehicle emissions as part of Social Value procurement processes where relevant;*
- § *Set emission standards for all major contracts e.g. maintenance etc, where vehicle use is inherent in the contract;*
- § *Use whole life costs (WLC) in the evaluation of vehicle procurement exercises, including the consideration of alternatives to diesel technology;*
- § *NBC will require the latest European Emission Standards as part of any fleet contracts; and*
- § *NBC will comply with best practice laid down by the Government Buying Standards for Transport*
- § *NBC will encourage staff to avoid ‘business miles’ and improve their vehicle emissions where required to travel for work.*

6.1.19. Taxis – NBC will:

- § *Set minimum emission standards for both Hackney Carriages and private hire vehicles (PHV) that comply with CAZ/LEZ requirements and also promotes the use of ultra-low emission vehicles (ULEV);*
- § *Install a network of dedicated, rapid charging units to support the growth in ULEV taxi take-up*
- § *Develop SMART APPS for taxi drivers to connect with electric charging infrastructure and for customers to connect to ULEV taxis;*
- § *Promote and support demonstrations of ULEVs with the taxi trade; and*
- § *Promote the use of ULEV taxis for public sector taxi contracts’.*

6.1.20. The Northampton Vehicle Emission Framework details specific vehicle measures to both discourage the most polluting vehicles while encouraging the uptake of cleaner vehicle technologies and fuels. Relevant information includes:

‘NBC will:

- § *Raise awareness of vehicle emissions and benefits of low and ultra-low emission vehicles;*
- § *Look at the feasible implementation of a Clean Air Zones (CAZ) or Low Emission Zones (LEZ) in the Borough in consultation with key stakeholders;*
- § *Develop and implement the Northampton Electric Vehicle Plan;*
- § *Work with bus operators to achieve continuing improvements in bus emissions and consider alternatives to diesel technology;*
- § *Work with key stakeholders to improve the emissions from freight vehicles; and*
- § *Work in partnership with Highways England to reduce the impact of emissions from the M1 motorway.*

6.1.21. Passenger Cars – NBC will:

- § *Raise awareness of car emission issues & benefits of alternative fuelled cars;*
- § *Promote & support the take-up of ultra-low emission vehicles (ULEV) through the development and implementation of the Northampton Electric Vehicle Plan;*

- § *Ensure new developments provide charging points where practical;*
- § *Support residential and commercial ULEV demonstration schemes;*
- § *Clean Air Zones (CAZ) & Low Emission Zones (LEZ) – NBC will:*
- § *Undertake a feasibility assessment, including stakeholder consultation, for implementing Clean Air Zones (CAZ) or Low Emission Zones (LEZ), in line with the national Clean Air Zone Framework; and*
- § *Promote any CAZ through Clean Air Partnerships, Clean Air Awareness and Recognition Schemes.*

6.1.22. Buses – NBC will:

- § *Work in partnership with bus and coach operators to identify an emission reduction pathway to 2025;*
- § *Require a minimum Euro V emission standard for commercial bus services by September 2019*
- § *Look at potential retrofits for Euro VI diesel standard by 2020;*
- § *Promote ultra-low emission buses through the Northampton Electric Vehicle Plan; and*
- § *Promote cleaner/low carbon alternatives to diesel such as methane/biomethane.*

6.1.23. Freight – NBC will:

- § *Look at freight vehicle emissions as part of the CAZ/LEZ feasibility study;*
- § *Promote ULEV deliveries through Social Value / Corporate Social Responsibility (CSR) procurement criteria;*
- § *Work with Highways England to support vehicle emission reductions for freight vehicles interacting with the M1 and the Northampton road transport network;*
- § *Look at infrastructure to support ultra-low emission freight through the Northampton Electric Vehicle Plan;*
- § *Recommend emission standards for new commercial developments;*
- § *Promote alternative fuelling facilities such as gas & biomethane; and*
- § *Support ULEV freight demonstration schemes’.*

POLICY

NATIONAL PLANNING POLICY FRAMEWORK

6.1.24. The Government’s overall planning policies for England are described in the National Planning Policy Framework⁶. In relation to air quality, the NPPF states:

- § *Paragraph 54 ‘...Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.’*

⁶ Ministry of Housing, Communities and Local Government (2019) National Planning Policy Framework [online]
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/779764/NPPF_Feb_2019_web.pdf

- § Paragraph 103 ‘...*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health...*’;
- § Paragraph 170 ‘...*Planning policies and decisions should contribute to and enhance the natural and local environment by: ...e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans...*’;
- § Paragraph 183 ‘...*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.*’

LOCAL PLANNING POLICY

NORTHAMPTON BOROUGH COUNCIL

- 6.1.25. Northampton Borough Council (NBC) are currently preparing Northampton Local Plan (Part 2)⁷. The Plan will provide detailed planning policies to manage and guide development across the borough. The new Local Plan (Part 2) will also set out figures to guide the scale of new development as well as identifying locations for growth of new housing and employment, along with a number of policies to help determine planning applications in the future. As the Northampton Local Plan has not yet been adopted, the previous guidance (West Northamptonshire Joint Core Strategy) remains the council’s primary planning document.
- 6.1.26. The West Northamptonshire Joint Core Strategy Local Plan (Part 1)⁸ sets out the long-term vision and objectives for the whole of the area covered by Northampton Borough, Daventry District and South Northamptonshire councils for the plan period up to 2029, including strategic policies for steering and shaping development, together with strategic site allocations.
- 6.1.27. In relation to air quality, the West Northamptonshire Joint Core Strategy Local Plan states:
 - § ‘Traffic congestion is a particular issue for Northampton and contributes to wider air quality problems as well as potentially affecting future economic growth. The existing road infrastructure is a combination of historic radial routes leading to the town centre and newer ring roads and dual carriageways constructed as part of the New Town expansion;

⁷ Northampton Borough Council. Northampton Local Plan Part 2. Submission Draft Consultation. April 2019

⁸ West Northamptonshire Joint Core Strategy Local Plan (Part 1) – West Northamptonshire Joint Planning Unit (December 2014)

- § Policy BN9 – Planning for Pollution Control: Proposals for new development which are likely to result in exposure to sources of pollution or risks to safety will need to demonstrate that they provide opportunities to minimise and where possible reduce pollution issues that are a barrier to achieving sustainable development and healthy communities, including maintaining and improving air quality, particularly in poor air quality areas, in accordance with national air quality standards and best practice; and
- § Policy T1 – Spatial Strategy for Towchester: The role of Towchester as a rural space centre will be supported and enhanced by the delivery of an A5 relief road and complementary sustainable transport measures to improve air quality and reduce congestion in the town centre.’

SOUTH NORTHAMPTONSHIRE COUNCIL

6.1.28. South Northamptonshire Council (SNC) are currently preparing a Local Plan (Part 2)⁹. The Local Plan will build on the Joint Core Strategy and include a detailed and wide variety of policies. This will guide the decision making process for future planning applications across the district. The Plan will include:

- § new settlement confines;
- § site specific allocations for development;
- § new important local green spaces; and
- § specific policies for the development management and use of land and buildings.

6.1.29. As the South Northamptonshire Local Plan has not yet been adopted, the previous guidance (West Northamptonshire Joint Core Strategy) remains the council primary planning document.

DAVENTRY DISTRICT COUNCIL

6.1.30. Daventry District Council (DDC) is in the process of preparing the Daventry District Settlements and Countryside (Part 2) Local Plan¹⁰. This is a significant planning policy document, containing detailed guidance to help shape local decision-making on future planning issues.

6.1.31. Once adopted, it will set out where new homes could go to meet future housing need, as well as the best locations for new businesses, to create employment opportunities. It will help determine which areas should be protected from development and contains policies to protect the District’s distinctive landscapes, biodiversity and history, as well as its leisure facilities and green spaces.

6.1.32. As the DDC Local Plan has not yet been adopted, the previous guidance (West Northamptonshire Joint Core Strategy) remains the council primary planning document.

⁹ South Northamptonshire Local Plan. Draft Submission (Regulation 19 Consultation) September 2018

¹⁰ <https://www.daventrydc.gov.uk/living/planning-policy/part-2-local-plan/>



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Manchester
M15 4RP

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