



Department  
for Environment  
Food & Rural Affairs



Department  
for Transport

# Consultation on the Implementation of Clean Air Zones in England

**Draft Clean Air Zone Framework,  
secondary legislation and impact  
assessment**

October 2016



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# 1. Introduction

1. A cleaner, healthier environment, benefits people and the economy. Clean air is essential for making sure our cities are welcoming and healthy places for people to live and work, now and in the future.
2. Our ambition is for the UK to have some of the very best air quality in the world. Clean Air Zones are designed to help deliver this ambition. They will also help the UK deliver against its climate change targets.

# 2. Purpose of this consultation

3. This consultation seeks views on the implementation of Clean Air Zones in England.
4. Clean Air Zones are areas where action is focussed to improve air quality and the cleanest vehicles are encouraged. They combine immediate action to improve air quality with broader approaches, supporting the growth of cities while delivering sustained reductions in pollution and a transition to a low emission economy. Where there are the most persistent pollution problems this is supported by access restrictions for the most polluting vehicles.
5. The national air quality plan for nitrogen dioxide (NO<sub>2</sub>)<sup>1</sup> published in December 2015 committed that Government would set out a Framework for Clean Air Zones including the important principles that need to be consistent in their operation and the key outcomes they are expected to deliver.
6. A consistent approach enables everyone to make straightforward, economic and operational decisions, for example about the vehicles they buy and how they use them, knowing they will be acceptable in all Clean Air Zones. Maintaining an outcome based focus ensures that a choice of actions exists which allows consumers to select the options which best suit their need, for example whether to buy a new diesel vehicle, go electric, use public transport or cycling and walking, or adopt a different way of working that eliminates the journey.
7. The national air quality plan for nitrogen dioxide also set out that the Government will be requiring the implementation of Clean Air Zones in five cities. These cities are Birmingham, Leeds, Nottingham, Derby and Southampton.
8. The national air quality plan set out the Clean Air Zones in these cities will cover older buses, coaches, taxis and lorries. Birmingham and Leeds will also discourage old polluting diesel vans and implement other measures. Newer vehicles that meet the latest emissions standards will not need to pay and, under the Plan, Government is **not** requiring any of these five cities to implement a charging Clean Air Zone that includes private cars, motorcycles or mopeds.
9. This consultation seeks views on:
  - the Draft Clean Air Zone Framework which sets out how zones should be implemented in any cities which wish to do so; and

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<sup>1</sup> Improving air quality in the UK – tackling nitrogen dioxide in our towns and cities: <https://www.gov.uk/government/publications/air-quality-in-the-uk-plan-to-reduce-nitrogen-dioxide-emissions>

- for the cities identified as requiring Clean Air Zones in the national air quality plan for nitrogen dioxide, the draft regulation mandating the implementation of zones and the associated impact assessment.
10. On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. It will be for the Government to begin negotiations to exit the EU. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation and funding in future once the UK has left the EU.

### 3. Relevant documents

This consultation consists of:

- (i) this consultation document;
  - (ii) a draft Clean Air Zone Framework setting out how Clean Air Zones should operate;
  - (iii) draft Secondary legislation to enable the Secretary of State for Environment Food and Rural Affairs to require the implementation of Clean Air Zones; and
  - (iv) an impact assessment on the introduction of Clean Air Zones in those cities identified in the national air quality plan for nitrogen dioxide.
11. Before responding to the questions set out in this consultation document, we recommend that you read each of these documents, and the overview document for the national air quality plan for nitrogen dioxide.
12. You can access the draft documents at:  
<https://consult.defra.gov.uk/airquality/implementation-of-cazs>

#### 3.1. The national air quality plan for nitrogen dioxide

13. The national air quality plan for nitrogen dioxide sets out the measures the Government is taking to reduce nitrogen dioxide emissions and concentrations. The plan is available at: [www.gov.uk/government/publications/air-quality-in-the-uk-plan-to-reduce-nitrogen-dioxide-emissions](http://www.gov.uk/government/publications/air-quality-in-the-uk-plan-to-reduce-nitrogen-dioxide-emissions).
14. Alongside the introduction of Clean Air Zones, the plan sets out a range of local and national action. This includes investing heavily in transport measures. Over £2 billion has been committed since 2011 to increase the uptake of ultra-low emission vehicles, support green transport initiatives and support local authorities to take action. These measures will address both particulate matter and nitrogen dioxide. Some examples of this investment are outlined in Box 1.

## Box 1 – Government support for cleaner transport

- Over £1,000 million committed between 2010 – 2020 to put the UK at the global forefront of ultra-low emission vehicle development, manufacture and use, including £600 million announced in the 2015 autumn statement, to support the early market for ultra-low emission vehicles between 2015 and 2020. In 2015 more ULEVs were registered in the UK than in the previous four years combined, keeping us well on track for almost every car and van to be zero emission by 2050.
- £600 million invested during 2011-15 to deliver 96 projects across 77 local authorities through the Local Sustainable Transport Fund. With match funding this amounted to over £1bn of investment.
- £374m invested by the Government in cycling (including £151m through the Local Sustainable Transport Fund).
- A further £580 million has been committed for a new 'Access' fund for sustainable travel over 2015 to 2020, building on the legacy of the Local Sustainable Transport Fund and supporting growth in cycling and walking.

## 4. Draft Clean Air Zone Framework

15. The draft Framework sets out the principles for operation of Clean Air Zones in England. It provides the expected approach to be taken by local authorities when implementing and operating a Clean Air Zone. There are two principal sections we are seeking views on in this consultation;
- Section 2 setting out the general approach to Clean Air Zones that should be taken by local authorities.
  - Section 3 setting out the additional operational standards and requirements for charging Clean Air Zones.

### 4.1. Section 2 of the draft Framework: the general approach to Clean Air Zones

16. Section 2 of the draft Framework sets out how Clean Air Zones should bring together immediate action to improve air quality with broader longer term approaches. These aim to support cities to grow while delivering sustained reductions in pollution and a transition to a low emission economy. Clean Air Zones are expected to deliver action aligned with three key themes:
- supporting local growth and ambition (decoupling growth and pollution).
  - accelerating the transition to a low emission economy.
  - immediate action to improve air quality and health.
17. Under each theme the Framework highlights the outcomes a Clean Air Zone is expected to deliver and a range of suggested measures to support delivery of these. A number of minimum requirements that all zones should meet across the three themes is also suggested. The list of measures is not exhaustive and there may be other measures that could fulfil these aims. The final approach taken beyond minimum requirements will depend on local need.

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

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

18. The development of the Framework is one of a number of measures set out in the national air quality plan for nitrogen dioxide. As set out in section 2 of this consultation document, the Government is working closely with the cities of Birmingham, Leeds, Nottingham, Derby and Southampton on the introduction of Clean Air Zones. We are also interested in hearing your views on whether there are other measures to improve air quality that can help support the implementation of the Framework and the Plan.

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

## 4.2. Section 3 of the draft Framework: additional access restrictions for charging zones – operational standards and requirements

19. Section 3 and Annex A of the draft Clean Air Zone Framework set out the vehicle standards and other requirements to be followed when setting up a charging Clean Air Zone. These will be in addition to the potential action set out in Section 2. It is expected that any local authority putting in place a charging zone will follow these requirements.
20. We are seeking views on the overall approach taken in Section 3, together with questions on specific elements.

### 4.2.1. The overall approach on operational standards and requirements in Section 3

21. The draft Framework sets out a number of elements to bring consistency to the operation of charging Clean Air Zones. These include the vehicle standards for entering a charging Clean Air Zone, and the approach to:

- ultra low emission vehicles.
- retrofitted vehicles.
- future standards (see also Section 4.2.3 below).
- vehicle detection.
- hours of operation.
- exemptions and discounts (see Section 4.2.4 below on disabled persons).
- levels of charge.

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

### 4.2.2. Taxis and private hire vehicles (section 3.3)

22. Taxis and private hire vehicles (PHVs) are included in all classes of Clean Air Zone. A local authority should use non-charging routes, such as licensing standards, before moving to charging these vehicles for entry.
23. In the interest of a consistent approach to vehicles entering a zone, both taxis (hackney carriages) and private hire vehicles should be treated on an equivalent basis. This means any local authority bringing in charging or licensing requirements for non-compliant hackney carriages should also place similar requirements on non-compliant private hire vehicles.

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

### 4.2.3. Future standards (section 3.5)

24. The UK has a long term ambition for all new cars and vans to be zero emission by 2040, and for nearly every car and van to be zero emission by 2050. This means over the next few decades the number of electric and ultra low emission vehicles on UK roads will significantly increase. It is one of the aims of Clean Air Zones to support this transition and they will always favour those vehicles with the very best environmental performance.
25. The draft Framework indicates that, in support of this ambition, the minimum vehicle standards will be periodically updated to take account of the latest evidence. However, to aid certainty for businesses and others the draft proposes that:
- the current standards will remain in place until at least 2025, and for cars and vans ultra low emission vehicles (ULEV) will always be the most favourable category.
  - a full process and timetable for the long term updating and tightening of the standards will be consulted on and in place by the end of 2018.

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

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

### 4.2.4. Blue Badge holders and vehicles used by disabled persons exempt from Vehicle Excise Duty (section 3.8.3)

26. In order to deliver the aims of the Clean Air Zone exemptions should be limited to those vehicles where it is difficult or uneconomic to adapt or those with specialist uses.
27. Vehicles specifically adapted for use by disabled persons have their own tax class. Given the specialist nature of the conversion these will be exempt from charges. A Blue Badge rests with a person rather than a specific owner or driver of a vehicle, therefore it could be used with any vehicle.
28. The draft Framework sets out a general presumption that Blue Badge holders should not be exempt from paying a charge within a Clean Air Zone. However, local authorities could choose to apply an exemption based on local circumstances.
29. Granting an exemption would necessitate Blue Badge holders being required to register one or more cars for an exemption. This would entail additional administrative arrangements and costs for local authorities/users to compile a register of exempted vehicles. Additionally, vehicles registered may not always be driven by, or have a disabled person as a passenger. This needs to be balanced against mobility needs and the availability of suitable alternatives locally.

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

### 4.2.5. Levels of charge (section 3.9)

30. The draft Framework states that the levels of charges for entering a charging Clean Air Zone will be set by local authorities. The Government will set out at a later date nationally recommended bands within which these charges should lie. Maximum and minimum levels of charge will ensure levels are set at an appropriate level to address air quality issues without the potential for excessive revenue raising. Views are invited

on whether there are additional safeguards that should be in place to ensure levels of charge are set at an appropriate level by local authorities.

**Question 9: Is the approach set out suitable to ensure charges are set at an appropriate level?**

## 5. Secondary legislation

31. Local authorities are already able to introduce a Clean Air Zone under powers within the Transport Act 2000. Part III of the Act empowers local authorities (as “charging authorities”) to make a local charging scheme in respect of the use or keeping of motor vehicles on roads.
32. In order to ensure we tackle the most persistent air quality problems we propose to make use of powers under section 87 of the Environment Act 1995, to require local authorities in five English cities to use their Transport Act powers to implement Clean Air Zones.
33. A draft of the proposed secondary legislation ‘*The Air Quality (Mandatory Road User Charging Schemes) (England) Regulations 2017*’ forms part of this consultation.
34. The legislation will require five cities in England to introduce a Clean Air Zone in their area, and for the Secretary of State for Environment, Food and Rural Affairs to approve a scheme.

**Question 10: Do you have any comments on the secondary legislation as drafted?**

## 6. The impact assessment

35. The Impact Assessment considers the costs and benefits of implementing the Clean Air Zone based access restrictions identified in the national air quality plan, i.e. implementing access restrictions in Clean Air Zones in five English cities, as well as equivalent voluntary measures in London.

36. The IA sets out four options:

- **Option 0:** Baseline scenario – do nothing.
- **Option 1: Preferred** - Five mandatory charging Clean Air Zones.
- **Option 2:** Non-mandatory charging Clean Air Zones.
- **Option 3:** Five mandatory charging Clean Air Zones with lower vehicle requirements.

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

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

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

## 6.1. Who will be interested in responding?

37. This is a public consultation and it is open to anyone with an interest in providing comments. It should be of particular interest to local authorities, environmental groups and those operating in the sectors of transport and public health, and organisations with an interest in air quality.

## 6.2. How to respond to this consultation

38. The consultation will run for 8 weeks from 13 October to 12.00 midnight on 9 December 2016.

39. Please respond to this consultation using the Citizen Space consultation system: <https://consult.defra.gov.uk/airquality/implementation-of-cazs>.

## 6.3. Confidentiality and data protection

40. A summary of responses to this consultation will be published and placed on the Government website at: [www.gov.uk/defra](http://www.gov.uk/defra).

41. The summary will include a list of names and organisations that responded but not personal names, addresses or other contact details. Information provided in response to this consultation document, including personal information, may be subject to publication or release to other parties or disclosure in accordance with the access to information regimes e.g. Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998.

42. If you want information, including personal data, that you provide to be treated as confidential, please say so clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for disclosure under the FOIA, we will take full account of your explanation, but we cannot provide an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

43. This consultation is being conducted in line with the “Consultation Principles” as set out in the Better Regulation Executive guidance which can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

44. If you have any comments or complaints about the consultation process, please address them to:

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9 Millbank,  
17 Smith Square,  
London, SW1P 3JR.  
Or email: [consultation.coordinator@defra.gsi.gov.uk](mailto:consultation.coordinator@defra.gsi.gov.uk).

### **6.3.1.Next steps**

This consultation will run for 8 weeks. We will publish the summary of consultation responses within 12 weeks of the consultation closing.