



# Low Emissions Strategies Programme

CAG Phase 1 Evaluation

Final Report May 2010

# **Low Emission Strategies Development Programme Board Evaluation of Phase 1 of the Low Emissions Strategy Programme**


Final Report from **CAG Consultants**

May 2010

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# Executive summary

This report sets out the findings on our evaluation of Phase 1 of the Low Emission Strategy Programme (LESP). The brief required the following specific questions to be addressed throughout the study:

- Has the programme met its aims, objectives and milestones?
- Have the peer group projects achieved their aims, objectives and milestones?
- Have peer group authorities benefited from taking part in the programme?
- What perceptions do key stakeholders have of the programme and its achievements?

Our conclusions in relation to these specific questions are summarised below.

In overview, Phase 1 of the LESP has been successful. It was set up as an ambitious programme and took on more individual local authority projects than it originally envisaged. Consequently, the initial set up phase took longer than expected and some projects have struggled to achieve their intended outcomes by the year end. Overall the programme has met most of its objectives during the year. But feedback by participants and stakeholders on the benefits of the programme show that success should not just be measured in terms of 'ticking boxes'. In particular we conclude that:

- The programme has firmly established a new action-focussed 'low emission strategy' community, characterised by a belief that an emissions based approach represents a joined up way of tackling local air quality and climate change issues and drives local action;
- The term 'low emission strategy' has become much better understood and accepted during the course of the year under evaluation;
- The LESP, its meetings and events have become an extremely valuable network for air quality and low emission practitioners, a forum to see what other authorities are doing and to discuss projects with like-minded individuals. Indeed, the LESP appears to have re-energised air quality practitioners, forging new relationships with planners and transport colleagues (thereby emerging from a more technical silo) and driving action on the ground.

The year was also marked by a new acceptance of the programme within central Government. Defra actively championed LES and made presentations at key events as

well as brokering endorsement of the LES Guidance document with Departmental colleagues (CLG, DfT) leading to its publication on the Defra website in January 2010.

### **Has the programme met its aims, objectives and milestones?**

The programme met most of its aims, objectives and milestones. Particular successes were achieved in moving the agenda forward with government (getting the Guidance published), setting up more peer group projects than anticipated and communicating LES to practitioners and wider stakeholders. There was some progress on producing tools and on developing a professional qualification, with final aspects of these two objectives put back to Phase 2.

### **Have the peer group projects achieved their aims, objectives and milestones?**

There was mixed progress with the individual peer group projects. In general, those who were fairly advanced to begin with managed to deliver over the year. With hindsight, others may have set themselves rather ambitious objectives within the year timeframe, particularly those who intended to develop new LES Supplementary Planning Documents (SPDs). Whilst participants valued flexibility in drawing up projects and setting objectives, there was possibly a loss of ownership in some cases around agreed objectives and milestones as projects evolved. Particular challenges included: the impact of the recession drying up new development; staff changes or restricted officer time to devote to LES; gaining political buy-in and approval; and projects underestimating the practicality of producing a new planning guidance (such as an SPD). Despite such issues, only one or two of the fifteen authorities involved failed to make any real progress. Almost all considered that the agenda had moved forward considerably over the year and that being part of the LESP had provided a range of benefits in relation to improved relationships and ways of working and had made things happen that maybe would not have happened otherwise, or at least happen more quickly.

### **Have peer group authorities benefited from taking part in the programme?**

Again, there was a universal positive response on this issue with clear evidence that peer group authorities have derived benefits from participation in the programme. A key benefit was seen as support for advising and influencing colleagues, principally planners. This was thought to contribute to better joint working and improved cross departmental relationships leading to improved policy making. Provision of support for local LES initiatives was an important benefit, particularly the interventions of Cenex staff at key meetings/junctures, whilst the Board and wider network was valued as a source of useful advice. Beyond the fifteen Peer Group Authorities, there was evidence that non peer group local authorities (i.e. those currently outside the programme) have also benefitted. Attendance at LESP events (e.g. May 2009 Seminar) and communicating with the programme has clearly given other authorities the confidence to progress their own LES schemes.

## What perceptions do key stakeholders have of the programme and its achievements?

The views of key stakeholders (internal and external to the programme) on the programme's strengths, challenges and achievements were sought via interviews and event feedback.

Key LESP *strengths* were seen as: the ambitious (but flexible) nature of the programme; its committed and enthusiastic membership; having an effective and knowledgeable Programme Board and Secretariat; being cost-effective and properly funded; and the fact that it functions as a self directed action focussed initiative, essentially driven by local authority officers.

Whilst the majority welcome the action-focussed nature of the Programme, there was a slight tension with some stakeholders who expressed concern about its effectiveness in the long term, particularly in view of the challenging nature of CO<sub>2</sub> cuts that are required. In this respect, some stakeholders saw the value of promoting a much more holistic sustainable development agenda and the need for greater 'demand management' by national government if we are to meet climate change targets. This was mirrored at a more local functional scale by S.106 Agreements: whether to get things going via individual agreements or wait for the context of a strategic review. The action focussed nature of the LESP is one of its 'attractions' for many people and there may be risks associated with adopting a wider analysis and breadth, at the expense of action.

A number of challenges emerged or were highlighted over the course of the year, which included: the continued need to engage with planners and gain acceptance of the LES onto the planning agenda; the continued challenge of gaining senior officer and Member support; ensuring usable and easily adopted outputs; the development downturn and competing demands on infrastructure. This last point is increasingly important as new development comes under greater scrutiny in terms of viability in the current market. A key test was seen as the degree to which LES will be owned at the national level: will it be taken forward as *the* tool for taking forward an integrated approach to emissions and climate change? National government join up on LES and climate change was seen as an important challenge.

In addition, the new Community Infrastructure Levy (CIL) will be a major challenge for the Programme and its emphasis on S.106 obligations.

The main *achievements* of the LESP were seen as:

- Producing the Guidance document and positioning this to effect within government;
- Establishing the Peer Group Projects (in excess of the original target);
- Gaining government buy-in;

- Raising awareness, promoting best practice and networking;
- Forging a consistent approach/ level playing field for addressing emission issues with new development; and
- entering Phase 2 with enhanced funding, a revised structure and a new regional focus.

## Recommendations

The evaluation makes the following recommendations, aimed at improving the LESP in the future.

### Project working

- **Focus on a small number of projects which can be well resourced by the Board and Secretariat in order to minimise set up and maximise delivery**

**Support tools** (SPD template, benchmark, self-assessment and Low Emission toolkit)

- **The 2010 programme needs to ensure delivery of the promised support tools (low emissions toolkit, benefits) to meet expectation and demand**

### Government liaison

- **Push for Defra to host series of 3 way meetings between themselves, LESP and each of DfT/CLG/DECC**
- **LESP should further explore its role/contribution in delivering Defra 2010 priorities (LAQ review; meeting EU NO<sub>2</sub> targets) in order to maximise opportunities**
- **Continue to explore wider departmental attendance on the new Low Emissions Forum**

### Communications

- **Continue with a high quality series of (free) seminars and workshops, aiming for times and venues that cater for regional attendance, with as wide a local authority invitation as possible**
- **Explore RTPPI CPD accreditation for LESP events**
- **Case studies of evidenced based successful outcomes on the ground are immensely valuable and should continue to be a focus during 2010 and future years**



- **Consider the introduction of an LES on line Forum**
- **Proactively use the published Guidance to further engage the planning community, e.g. Chief Planners Groups, RTPi etc**

### **Structure and funding**

- **The Board and wider Programme need to consider if LESP is time-limited as an initiative, or is the intention to carry on in perpetuity. In considering the long term future of LESP and the development of the programme beyond 2010, the Board should take into account the degree to which LES thinking has become embedded into national government (as a recommended approach) as a contribution to air quality and climate change action. Future planning and decision making needs to take into account the significant funding likely to be required to deliver the infrastructure requirements of fully joined up solutions for air quality and climate change – and the most appropriate mechanisms for achieving these outcomes;**

### **Evaluation**

- **Continued use of key informant interviews, using a mix of Board, Forum and other stakeholders (including government departments such as Defra, CLG, DfT and DECC);**
- **Explore use of self evaluation forms submitted to Secretariat to assess project progress;**
- **Consider a programme seminar looking at future of LESP beyond 2010, seeking to address big issues like government mainstreaming of LES, alignment with climate change agenda, and options for future funding**

# 1. Introduction

1.1 CAG Consultants were contracted by the Low Emission Strategies Programme Board to undertake an Evaluation of Phase I of the Low Emission Strategies Programme (LESP), i.e. over the period October 2008 to December 2009. The aim of this evaluation was to assess progress against the programme plan objectives and milestones. We aimed to capture learnings gained through programme delivery and present them in a form suitable to inform future programme and bid development. The final report makes practical recommendations to the Programme Board, aimed at improving delivery, refining the programme plan and improving outcomes.

## The brief

1.2 The brief required the following specific questions to be addressed throughout the study:

- **Has the programme met its aims, objectives and milestones?**
- **Have the peer group projects achieved their aims, objectives and milestones?**
- **Have peer group authorities benefited from taking part in the programme?**
- **What perceptions do key stakeholders have of the programme and its achievements?**

1.3 This Final Report is structured around these four key questions. In addition, it also reflects upon the methodology used in order to improve future evaluation of the LESP.

## 2. Methodology

### Evaluation objectives

2.1 Our objectives for this evaluation are set out below. We aimed to:

- Understand the aims and objectives of the overall programme, as we felt that understanding the experiences and opinions of the key stakeholders was key to the evaluation;
- Evaluate progress of the overall programme and the different elements of the programme against their objectives and milestones;
- Identify strengths, weaknesses and learning points; and
- Feedback practical recommendations to help improve programme delivery.

### Evaluation framework

2.2 The evaluation was built around of a number of elements, chiefly:

- The development of a simple **reporting framework** (programme and project spreadsheets) for keeping track of objectives, milestones and outcomes at programme and project level. These spreadsheets were placed on Google Docs with project leads invited to update their quarterly progress reports on line, although spreadsheets were also completed by email;
- Structured **phone interviews** with representatives of the Board Members, the Advisory Group and other key stakeholders. Table 1 below lists the 13 structured interviews undertaken.

**Table 1. Key informant interviews**

Name	Organisation	Relationship to programme	Date of interview
<b>1. Tim Chatterton</b>	UWE	Advisory Group member, academic sector.	28.04.09
<b>2. Nick Clack</b>	LACORS	Advisory Group member (LACORS also represented on Board)	13.05.09
<b>3. Mark Daly</b>	Sheffield City	Board Member and Peer	21.04.09

	Council	Group Project lead.	
<b>4. Gwyn Jones</b>	AEA Technology	Advisory Group member, private sector	28.04.09
<b>5. Gary Mahoney</b>	Sefton Borough Council	Board Member (leading on professional qualifications) and Peer Group Project lead.	24.04.09
<b>6. Steve Merryfield</b>	Was LB Greenwich until recently, now freelance.	Board Member.	11.05.09
<b>7. Robert Vaughan</b>	Defra (manages national air quality strategy)	Advisory Group member in 2009, Observer to the Board 2010	23.04.09 and 28.01.10
<b>8. Andrew Whittles</b>	CENEX	Board Member.	05.05.09
<b>9. Dave Kennett</b>	LB Wandsworth	Project lead	01.12.09
<b>10. Iain Forbes</b>	DfT	Head of Air Quality, DfT, attended LES workshop	02.12.09
<b>11. Rob Pilling</b>	LESP	Programme Manager	15.01.10
<b>12. Simon Newcombe</b>	Mid Devon Council	Project Lead	02.12.09

In addition to the structured interviews, we also ran six other phone interviews with project leads primarily in connection with the case studies:

**Table 2 Case study interviewees**

<b>Name</b>	<b>Organisation</b>	<b>Relationship to programme</b>	<b>Date of interview</b>
<b>1. John</b>	Maidstone	Project Lead	04.11.09

<b>Newington</b>	Council		
<b>2. Steven Donaghy</b>	Wandsworth Council	Project Lead	04.11.09
<b>3. Ogo Osammor</b>	Sheffield City Council	Project Lead	04.11.09
<b>4. Paul Cartmel</b>	Wigan Council	Project Lead	12.11.09
<b>5. Jon Tubby</b>	Leeds City Council	Project Lead	20.11.09
<b>6. Gary Mahoney</b>	Sefton Council	Project Lead	01.12.09

- A **Feedback questionnaire** aimed at recipients to LES events; and
- Four short **case studies** to illustrate the outcomes and achievements of the programme comprising:
  - Using local planning guidance to deliver LES objectives;
  - Gaining buy-in for LES activity;
  - A tool to assess developer S.106 contributions for air quality – Mid Devon Council; and
  - Technology funding/deployment.

2.3 These case studies are summarised in Section 4 and full versions appear as annex 1.

## 3. Our findings

3.1 Below we set out our findings in relation to the four main questions posed for the evaluation. This is followed by a discussion and set of recommendations.

### **Programme objectives: Has the programme met its aims, objectives and milestones?**

*High level objective: To encourage wider adoption of low emission strategies by local authorities and to support the effective use of associated policies and measures.*

*Overall programme objective: start-up programme, put management and reporting structures in place. Maintain and develop plan over course of year.*

3.2 This was an ambitious Phase 1 programme and yet it achieved against most of its objectives during the year.

3.3 In terms of its high level objective, it made good progress on the adoption of low emission strategies for the fifteen peer group projects. In addition, it is clear from the May 2009 LES seminar that there are a wider group of authorities that have taken up the LES agenda and are pursuing similar projects. The term 'low emission strategy' has gained greater understanding and acceptance over the course of 2009 and the LESP has developed into a new action focussed air quality community.

3.4 The overall programme objective has also been delivered. One of the strong features of participant feedback was the well organised, committed and enthusiastic Board and Secretariat. Whilst the set up phase took longer than anticipated, it is clear that a huge amount of work has gone in to ensure the programme and projects successfully delivered. The one aspect of the structure that perhaps failed to reach its potential was the Advisory Group. Whilst this had one 'official' meeting, the subsequent major 2009 LESP events were seen as fulfilling Advisory Group meetings. Participant feedback indicated some confusion about the Advisory Group and its role/function. We note that this issue has been considered and hopefully addressed by the Board and a new structure is now in place for Phase 2, with a new 'Low Emissions Forum'.

3.5 Table 3 summarises progress on individual programme objectives. These are discussed in more detail below.

**Table 3 Progress on programme objectives**

Objective	Progress			Comment
	Significant	Good	Minimal	
<b>1a. Peer Group Projects: set up</b>				Aimed for 8-10 projects, finally included 18 projects across 15 authorities.
<b>1a. Peer Group Projects: project delivery</b>				A spectrum of final outcomes, from completion to little or no progress.
<b>2a. Support tools: toolkit and assessment of benefits</b>				Original not taken forward, since evolved into the low emission toolkit (contract let, expected 2010).
<b>2b. Support tools: Benchmarking</b>				Some work initially on prototype, then no further progress end of year.
<b>3a National policy and guidance: improved dialogue</b>				Defra came on board as programme 'champions', credibility and cohesion vastly improved.
<b>3b National policy and guidance: influence central government policy</b>				Guidance document now on Defra website which implies endorsement by rest of government, though work to be done to fully engage and enthuse CLG, DfT and DECC.
<b>4a Comms: strengthen LES awareness and understanding</b>				A major win and excellent progress over the year.
<b>4b Comms: case studies</b>				Limited number of case studies in newsletter.
<b>5. Professional development and qualifications</b>				Commissioned work and now have good understanding of issues.

**Objective 1: Peer Group Projects: Enable a peer group of 8-10 local authorities from across the country of different types and operating under different local circumstances to demonstrate 'progress in managing the transport impacts of new developments through the use of low emission strategies.**

3.6 In terms of project set up, the Programme sought to match local authority enthusiasm for LES and took on more projects [18] than originally intended [8-10]. This decision had ramifications in terms of the time and resources needed to set up so many projects as well as resources required to manage and support projects through to delivery. It also seems to have had an impact on the successful delivery of other programme objectives (see support tools below).

3.7 However, the evidence indicates that the support provided has been keenly valued rather than criticised in any way. Despite this, it is also clear that some projects were more dependent on Cenex/Secretariat support and this was cited as a reason for delay in some cases.

3.8 The delivery picture across the projects is somewhat vague and is dealt with in more detail below.

**Objective 2 Support tools. Provide ground tested tools, resources, which enable any authority to assess their starting position, identify opportunities for progression and develop and implement an action plan appropriate for their circumstances and ambitions**

3.9 Despite an obvious appetite amongst authorities, the development of support tools appears to have been less of a priority during the Phase 1. The reasons for this are unclear, but appear to be the result of time and resources being directed elsewhere, in particular to the greater number of Peer Group Projects. The original ideas for support tools also changed and evolved during the year.

3.10 In terms of **benchmarking**, despite initial work on a prototype, there was no further progress until benchmarking was revisited for the January 2010 Review workshop. At the May 2009 Board meeting, the Programme Manager reported that:

*'Development and trialling of a functional benchmark is an important deliverable. Good progress was made in Oct/Nov [2008] time. Peer Group focus has moved towards project delivery since then. Benchmark will be prioritised over the summer'.*

3.11 The original objective to produce **technology guidance** was altered and evolved during the year into a **low emission toolkit**. Evidence shows that this is eagerly awaited by LES practitioners but it has yet to appear. A contract to develop the toolkit was let late in 2009 with the intention of delivering in mid 2010 (taken forward with successful bid for £160k from Defra). In his presentation to the May 2009 LES seminar, Andrew Whittles set out the following in relation to the toolkit:

- Builds on low emission vehicle demonstration and deployment projects in UK;

- Explains how new technology works and timelines for market readiness;
- Creates a fleet managers toolkit looking at emission benefits of technology options
  - NO2, PM10, CO2;
- Assesses fully allocated costs of options e.g. damage costs;

3.12 This contract will also deliver the **assessment of benefits workstream**. The intention was to look at impacts at different scales (i.e. individual development, regional and national) and for this work to feed into a set of clear and easily understood quantification of impacts.

### Objective 3 National policy and guidance

#### 3.1 Facilitate a dialogue between local authorities, central government departments and other policy stakeholders regarding the optimisation and enhancement of national policy and guidance relating to the use of Low Emission Strategies and related policies and measures.

3.13 Improving the dialogue between local authorities, central government departments and other policy stakeholders has been a major success of Phase 1. The burgeoning relationship with Defra has been key to this success. An important milestone was signing up Martin Williams (Head of Atmospheric Quality and Industrial Pollution, Defra) as the LES government 'champion', originally in the newsletter and then presenting at the May seminar. According to the Programme Manager this relationship:

*'gave the programme real traction. It gave the programme and participants credibility and cohesion'.*

3.14 This is substantiated by our feedback from local authority stakeholders, many of whom benefited from the fact that LES was being championed by Defra, as the following quote indicates:

*'Good to be part of a national group that has Defra support, gives us impetus, helps us influence planning colleagues'.*

3.15 The publication of the Low Emissions Strategy guidance on the Defra website in January 2010 was a significant boost to the partnership (see below).

*Within central government we can work to ensure that local measures, including Low Emissions Strategies, complement and enhance our actions at the national and international levels. I would like to use my role as a champion of Low Emission Strategies to make further progress in improving air quality over and above the measures we already have in place by encouraging the success of strategies already in place; to publicise and celebrate successful strategies across the UK and more widely internationally and to foster their wider development across the country.*

Martin Williams, Defra, quoted on <http://www.lowemissionstrategies.org/index.html>



3.16 The programme has undoubtedly established a useful network of local authorities and wider stakeholders interested in low emission work: this is discussed further below).

**Objective 3 National policy and guidance 3.2 Enable learnings from the Low Emission Strategies Development Programme to feed into central government policy thinking.**

3.17 This has been a major success during the year. The Low Emissions Strategies 'Good Practice Guidance' (using the planning system to reduce transport emissions) was issued for consultation in June 2008. Discussions were held with Defra (and others, such as CLG) during Phase 1 with the objective of getting the Guidance accepted and endorsed by government. This was achieved early in 2010 when the Guidance<sup>1</sup> was published on the Defra website. The joint introduction from Martin Williams (Defra) and John Patterson (LES Chair) states:

*'Defra and the Low Emissions Strategies Partnership (LES) share a common vision to secure vibrant and sustainable communities where everyone has a say in shaping their environment. .... This new guidance on Low Emission Strategies (using the planning system to reduce emissions) uses real-life examples from Beacon Councils to guide and encourage other authorities to do the same, and perhaps become environmental exemplars themselves'.*

3.18 For many programme participants and stakeholders, this was the key achievement for the LESP during Phase 1. This provided a valuable tool for those working on LES in terms of building relationships with planning and transport colleagues, as well as gaining senior officer and Member support. Defra also provided funding for Phase 2 under their AQ grant system (and sit as an observer on the new LESP Board).

3.19 There are clear opportunities for LESP to work closely with Defra in 2010 and assist the department with delivering its priorities, including its review of Local Air Quality Management schemes and submission to the EU on meeting NO<sub>2</sub> targets.

3.20 Yet there is still progress to make with central government, beyond the sympathetic partners within Defra.

3.21 There is evidence that DfT have become more involved with the programme during the course of the year. Iain Forbes, Head of DfT's Air Quality Strategy branch attended the LES January 2010 Review seminar and was interviewed as part of the evaluation. This unit acts as the liaison point between DfT and Defra, and is currently working closely with Defra on policy development. Iain took up his post in June 2009, and stakeholders suggested that the fact that his post was vacant for a while previous to this date was a reason for difficulties encountered in bringing DfT to the table. Another reason suggested was the complicated or multilayered structure of DfT which

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<sup>1</sup> <http://www.defra.gov.uk/environment/quality/air/airquality/local/guidance/index.htm>

might make inhibit successful relationship building. Defra suggested the DfT Office for Low Emissions as a potential area for LESP to build relations (Michael Hurwitz (AQ and Climate Change)). Our interview was useful in providing an indication of potentially important LES considerations for DfT, with Iain citing:

*'Evidence of what works. A clear sense of what health impacts are – for the public and non practitioners. There are competing priorities especially within transport. DfT is a heavily evidence-based department and those issues that rise to the surface are ones with a strong evidence base behind them. This would help them compete better';* and

*'Important to push for examples of where measures have had an impact e.g. reduced emissions and or concentrations, as these are the metrics by which everything is judged'.*

3.22 Some stakeholders saw the slow progress with DfT as reflecting a wider need *'for better integration of the air quality agenda with transport thinking at all levels – nationally, regionally and locally'.*

3.23 Forging relationships with CLG and DECC have apparently been more challenging. CLG are certainly a key player and bilateral meetings between Defra and CLG helped tweak the LES Guidance document allowing CLG to approve the guidance. Initial discussions between LESP and CLG have apparently not led to any closer CLG engagement. Time and resources (on both sides) was seen as a possible reason for this slow progress. For example LESP could arguably have made more of the opportunity provided by the PPS1 Climate Change Supplement. However, a government stakeholder commented:

*'There would be an opportunity [for closer engagement with CLG]. But they are not set up for this sort of engagement. More arms length body which sets the framework (e.g. planning guidance) and then adjusts it as necessary. But they don't get involved in implementation or delivery of projects'.*

3.24 The new Department of Energy and Climate Change (DECC) was created in October 2008, bringing together energy policy previously with BERR and Defra. It is still early days in terms of establishing relationships with this new body, especially in terms of Phase 1 of LESP.

3.25 Many stakeholders highlighted the lack of national 'join-up' as an important issue or challenge for developing LES work. Whilst welcoming the support from Defra, there was a degree of frustration with the other three departments referred to above (DfT, CLG and DECC). There was also the risk that sole patronage by Defra may hinder LES from making the most of synergies with the wider (and more high profile) climate change agenda. Most stakeholders saw the value in widening LES from Defra to other government departments, even to a point where different LES elements could be championed by different departments.

3.26 The link between air quality and climate change is clearly a major opportunity for LES at a national level. Defra are keen to encourage a joining up these issues as they see the value that climate change arguments (and resources) bring to the air quality case. They see LES and its emissions focus as an important 'joined up' and action-orientated approach in the push to achieve 80% reductions in CO<sub>2</sub> emissions by 2050. This very much highlights the relevance of the LES emissions based approach, as a government stakeholder commented:

*'The focus on emissions in the round (air quality and climate change) is helpful, easier and more tangible. The use of concentrations gets very complicated. LAs and others can reduce emissions – which should lead to reduction in concentrations. Reduction in emissions is very much the starting point'.*

**Objective 4 Communications 4.1 Strengthen awareness and understanding of the underlying principles of Low Emission Strategies and their associated opportunities amongst local authority officers, senior officers and members, and also key policy decision makers and opinion formers.**

3.27 This is seen to be one of the programme's strengths and main successes during Phase 1. Certainly at practitioner level, the LESP has been seen to have created a new 'low emissions community'. There is a sense that this is a welcome progression from existing air quality networks, as one participant at the January 2010 Review seminar explained:

*'LES meetings are different to other AQ meetings - focussed on action not monitoring'*

3.28 Creating such a vibrant network of practitioners and other stakeholders was seen as one of the programme's great strengths and benefits. This was often the first issue referred to by stakeholders, with typical comments including:

*'Helped us to see where others are and bounce ideas off';*

*'Hear ideas from elsewhere, allows comparison with others, spread good practice and learning, useful rivalry, speaking to like minded people';*

*'Able to look at best practice from other LAs who were further down the road with their LDFs'.*

3.29 In terms of the communications work, participants and stakeholders particularly valued:

- The newsletter (although there was some evidence that some project leads didn't find the time to read the newsletter!);
- The events series (e.g. May 2009 Seminar, Care4 Air) especially the high profile government speakers, the fact that they were free of charge and half day events,

and their focus on issues relevant to planning and planners. There were concerns expressed that with tight LA budgets these meetings should not always be in London and participants would welcome more lead in time (some were relatively short notice). There was a query as to whether these events could form CPD for RTPI planners – as an extra incentive for their attendance;

- Cenex support visits to the project authorities; and
- The website.

3.30 There was considerable evidence that the term 'low emission strategy' had gained greater acceptance over the course of the year and was now much better understood, for example the term is now used more by the trade press such as the Air Quality Bulletin.

3.31 In Spring 2009 Defra commented that whilst communication within the Peer Group appears good, *'it feels like the advisory group is not so much in the loop'* and suggested having more frequent updates and phone contact between the advisory group and project team. However, by the year end Defra considered that the communications work had improved and felt much better engaged.

**Objective 4 Communications 4.2 Provide engaging case studies, which demonstrate the feasibility, flexibility and effectiveness of the Low Emission Strategy approach, giving confidence and encouragement to other authorities to adopt similar policies and practice.**

3.32 Production of case studies had been slower than expected. The newsletter sought to identify and publicise case studies, but given the time taken to get projects up and running it wasn't until towards the end of 2009 that projects had a story tell in terms of outcomes and learning. The other constraining factor was the time and resources needed to undertake the required desk, with peer group leads in particular finding it difficult to find the time to write case studies.

**Objective 5. Professional development and qualifications. Provide recommendations for development of an accredited professional air quality qualification.**

3.33 This objective appears not to have been a priority in Phase 1, being described as being 'always was a backburner project'. However, progress has been made and work towards this goal was commissioned in two parts during the year. This should provide the programme with a good understanding of the opportunities in terms of LES professional development and qualifications, but the challenge remains in Phase 2 to take this forward. The initial reports were delivered in February 2010, with the Board report noting:

*'There appears to be gathering momentum behind the idea of a national professional qualification for air quality and climate change. In combination these*

*reports provide LESP with an entry into the debate. The board may wish to consider how and to what extent it takes up this opportunity’.*

### **Unstated objectives**

3.34 The programme had also identified some ‘unstated objectives’ listed below:

- UO1 Development of strategic synergies.
- UO2 Increased conversation across departmental boundaries in participating Local Authorities.
- UO3 The potential legacy / sustainability impact of programme tools.

3.35 Interviewees were asked to comment on LESP progress or influence in these areas.

3.36 In terms of strategic synergies, the main fertile area is the link between LES and climate change, which is discussed in various other sections of this report. The LES focus on emissions has made it easier to bring the air quality and climate change agendas together.

3.37 LES has certainly improved cross departmental conversations, and this is referred to under the Communications section above (and elsewhere). Whilst this remains a constant challenge for many authorities, the LES peer group projects have made progress particularly bringing together air quality officers and planners. The fact that LES AQ ‘speaks in planning language (not technical concentrations)’ is considered to be a helpful factor.

3.38 The LESP legacy is still to be determined. Some participants at the January 2010 Review workshop felt that the true test would be whether the LES approach is adopted by government as the approach to emission planning and embedded into government thinking. The adoption and publication of the Guidance on the Defra website is certainly a positive first step in this direction. There is potential for the LESP tools to achieve a certain ‘legacy’ – but these will now be finalised in Phase 2.

### **Project objectives: Have the peer group projects achieved their aims, objectives and milestones?**

3.39 There has been mixed progress for the Peer Group Projects. Certainly those fairly advanced to start with (e.g. Mid Devon, Greenwich) found it easier to deliver during the year timescale. Only one of the 15 authorities (Leicester) failed to make any real significant progress during the year. For most, it appeared to be a year of fairly intensive discussions with colleagues (planners, transport planners, senior officer and Members) and whilst objectives and milestones may not have been completely met there were many benefits in terms of more joined up working, awareness raising and more political support.



3.40 Table 4, below, summarises progress for the projects, which can be further summarised as:

- Project complete (Mid Devon) or good progress (Greenwich, Leeds technology, Lewes, Sefton, Sheffield (technology) and Wigan);
- Some progress (Leeds SPD, Maidstone, Oxford, Sheffield SPD, South Cambs, Wandsworth)
- Little progress (Leicester, Tunbridge Wells) or any progress unclear (City, Croydon).

**Table 4 Project progress**

Peer Group Authority and project outline	Progress
<p><b>City of London.</b> Emissions Reduction Fund. Establish planning obligation fund to off-set both GHG and toxic emissions generated by development, including transport. Enable progress towards NI 194.</p>	<p>Final progress unclear.</p> <p>Outline of draft Council Report discussed, incorporating draft conditions and 106 clauses that could be potentially used, plus projects that could be funded via 106 off-set. Activity curtailed by additional work demands on liaison officer and economic downturn bringing development to a standstill</p>
<p><b>Croydon.</b> Emissions Assessment Tool for general development based on previous and proposed land uses.</p>	<p>Final progress unclear.</p> <p>Project lead has left the Council and replacement resources have not been put in place (in October 2009 Andrew Whittles commented 'unclear as to future involvement in programme'). PERAT tool under development, although completion and use unclear – tool uses NAEI data to look at emissions for key pollutants based on previous and proposed land use. Integration with Low Emission Toolkit considered. Continued use of 106 system to secure contributions and measures related to LES</p>
<p><b>Greenwich</b></p> <p>1) Assessment of Benefits Project development. Development of tool to evaluate emission reduction benefits of low emission strategies and measures, supporting development of new LES agreements</p>	<p>Good progress on both projects.</p> <p>1) Project taken forward as part of overall Low Emission Toolkit development, also incorporating a fleet assessment /vehicle emission tool. Successful combined bid for funding from Defra (£160k) and ITT issued.</p>

<p>2) Funding for Low Emission Technologies. Establish practice of using sec 106 funding to cover incremental cost of low emission technology demonstration and adoption</p>	<p>2) Section 106 funding being utilised to part fund installation of electric vehicles re-charging facilities (£20k). biomethane refuelling (£50k) and procurement of electric vehicle for pollution control (£40k).</p>
<p><b>Leeds</b></p> <p>1) Possible development of SPD to integrate with existing guidance – generate funding and policy mechanisms to support development of NGT, LEZ and possible city wide LES.</p> <p>2) Low Emission Technology Demonstration Handbook: LA guide on best practice in LE vehicle demonstration, incorporating wide range of considerations, some based on experience</p>	<p>Some progress on both projects.</p> <p>1) LES initiative focussed thinking on new opportunities and although discussions with development control planners about a new SPD were unsuccessful (have too many SPDs already, and relevant hooks not in policy), the production of a new DPD has opened an opportunity to develop an SPD. This has been helped by a new proactive and interested Executive Member. The focus is likely to be air quality and climate change. Note Cenex final report states: <i>'Successful application regarding involvement in Regional Group Initiative. Commitment to develop LES SPD to tie in with NGT and LEZ developments'</i></p> <p>2) ITS (Leeds University) commissioned to assist with production of handbook. Scoping meeting has led to production of draft outline plus production of some content. To be finalised as part of Regional Group initiative?</p>
<p><b>Leicester.</b> Stakeholder Engagement and Corporate Governance. Initial internal officer meeting with a view to a March conference</p>	<p>Little or no progress on original objective, some late progress on LES.</p> <p>Commitment to a March conference was withdrawn due to other priorities and opposition to seeking 106 funding for environmental issues. Officer meetings in autumn 2009 with transport and planning led to commitment to look at development of LES planning guidance, focusing on LES measures rather than off-set funding. In late 2009, a Planning Brief was developed to look at producing and evaluating a LES for central Leicester</p>
<p><b>Lewes.</b> Core Strategy Development: Integration of LES within core planning strategy review</p>	<p>Good progress.</p> <p>Meeting with planning and sustainability officers has led to commitment to include LES principles within Core Planning Strategy and environmental officers requested to form part</p>

	of CS review team.
<b>Maidstone.</b> General integration of LES principles into planning system and improved officer working	<p>Some good signs</p> <p>A draft AQ SPD existed pre-LESP, but the delayed LDF process (due to Kent International Gateway (KIG) inquiry) has meant other avenues are being explored, such as use of the Air Quality Action Plan to showcase LES best practice. However, Pollution Control have secured inclusion of low emission component to the KIG travel plan and an air quality monitoring condition. The arguments presented were supported by the work carried out by the Peer Group which were instrumental in helping the communication with Planning Policy and DC. Planners have accepted the proposals and have been supportive, despite not having any internal policies in place due to the stage that the LDF process is at - a sign of improved communication and more effective cross-working relationships. Note that Cenex final report states: '<i>Commitment to produce LES/AQ SPD</i>'</p>
<b>Mid Devon.</b> Site Allocation Study. Consultant study to inform integration of LES within Core Strategy Site Allocation Plan	<p>Objectives fully met.</p> <p>Work completed – LES measures successfully considered within site allocation plan.</p>
<b>Oxford.</b> LES in Oxford. General development of LES approach, with particular emphasis on linking city and county activity	<p>Some progress made.</p> <p>Following initial workshop involving City and County transport and planning officers and TTR, commitment given to consider LES principles. TTR to undertake strategy work for review on behalf of programme. Subsequently Oxford have designated part of City centre as a Low Emission Zone concerning the regulation of bus emission standards. Follow up meeting to be arranged to assess potential for further progress</p>
<b>Sefton.</b> Automate LES process to drive cross-sectoral approach – aim to produce informal guidance for planning and environmental officers	<p>Good progress made</p> <p>Series of cross-sectoral officer workshops has led to production of first draft of potential SPD for internal consultation. Timetable to report to Council with view to adoption of either LES</p>

	SPD or include LES provisions within existing 'Ensuring Better Choice of Travel' SPD. Further meetings planned as work helping to inform production of national LES SPD template
<b>Sheffield.</b> Parallel development of LES planning policy, leading to SPD, and demonstration of low emission technology helping develop robust business case for scale-up	<p>Planning policy: discussions on-going. Technology – good progress.</p> <p>In terms of the SPD, the debate has centred on the best way of achieving LES objectives through the planning process, with the latest thinking focussing on integrating LES practice into existing SPDs on sustainable development and transport.</p> <p>Regarding technology, Sheffield have secured £400k to roll out low emission technology demonstrations, involving biomethane and electric vehicle trials. This activity builds on ongoing EV trials and testing in association with the University and hybrid bus trials with Sheffield Community Transport and MST, a local technology provider</p>
<b>South Cambs.</b> Northstowe LES. Exemplar LES Strategy for sustainable community development	<p>Progress held up by economic downturn</p> <p>While Northstowe progress is on hold during current economic downturn, LES measures have been included in draft 106 agreement, including commitment to Euro 4 guided bus system, dedicated cycleways, EV recharging and electric refuse collection vehicles. Further discussions have switched focus to possible production of LES SPD. Initial information provided and further meeting to be arranged once national template is completed</p>
<b>Tunbridge Wells.</b> General Development. Desire to seek evidence based quantification of impact of development and benefit of LES measures, via mitigation and off set	<p>Little or no progress</p> <p>Tunbridge are awaiting development of Low Emission Toolkit to take further forward LES activity. Officer working patterns have prevented a meeting taking place.</p>
<b>Wandsworth.</b> Build internal support for LES and working towards SPD	<p>Some progress but report still to go to Committee</p> <p>Following internal cross- sector officer meeting and briefing report to Council, full Council</p>

	report proposal for a 'full LES SPD' will go to Council Committee early in 2010. Key drivers for this initiative are a desire for better guidance for developers ('they know what to expect') and recognition that the S.106 approach will provide valuable revenue for emission reduction work.
<b>Wigan.</b> Embedding LES principles in wider Greater Manchester planning policy and also seeking quantification tolls to build evidence based approach to seeking 106 contributions	Good progress.  Following joint presentation (also including Bury MBC) to Greater Manchester Planning Committee, activity has focussed on development of LES quantification tool. Adopted their own pre-LES AQ SPD in 2007 as the first part of a Greater Manchester AQ SPD. Now discussing a regional LES SPD

3.41 Despite optimism expressed by Board Members during the spring round of interviews (e.g. '*understands that all projects are progressing well – unaware of any problems*' was a typical comment), other stakeholders were more cautious about progress. Cenex expressed concern about one project (Lewes) which had cancelled the initial kick-off meeting and commented further that the process of objective setting had been useful:

*'We have had to help [a couple of authorities] re-think their objectives in a couple of instances to take account of the hurdles they need to cross'.*

3.42 Whilst there were very positive comments about the flexibility offered in project choice and selection, it is clear that time was spent in the first half of the year finalising project descriptions and objectives. Indeed, there was some evidence of a loss of ownership of project objectives and milestones as projects evolved.

3.43 By the third quarter, it was becoming apparent that project set up had taken longer than expected and that a number of projects were finding progress slower than planned. There appear to be a number of reasons for slower than expected progress:

- Lack of understanding of the forward planning system, in particular many had an unrealistic view of the likelihood of being able to produce a Supplementary Planning Document (SPD) on LES, e.g. Leeds and Sheffield;
- The local authority Committee cycle and/or extended nature of forward planning process, e.g. Wandsworth, Maidstone;
- Difficulties in obtaining senior officer or Member buy-in to the project;

- The economic downturn, e.g. South Cambs; and
- Officer time and resources, or key staff leaving or being switched to other priorities.

### **Project success factors**

3.44 Mid Devon were the only peer group project that considered they had completed their objectives. Key success factors in their case included:

- They benefitted from a good starting point, in that they had a good dialogue with their strategic planners and understood each others' agendas;
- They had a self imposed tight deadline (LDF submission which needed to complete a draft by summer 09); and
- Identified one person as clear project manager/lead.

3.45 Other success factors highlighted included:

- Developing production relationships with appropriate colleagues, such as planners, transport planners ('make friends with planners, speak to them – find the most appropriate person and invite them to AQ steering group');
- Make the most of opportunities, e.g. bolstering arguments at planning inquiries;
- Use the Defra patronage and the fact that the Guidance is on their web site;
- Take small steps at a time, given the slow process of the LDF, gradually work up guidance;
- In terms of forward planning and DPDs/SPDs need to ensure the policy hooks are in place – so get in early!
- Use the support of interested Members.

3.46 With hindsight, many projects set quite ambitious targets to complete within the year. Whilst they may not have met the objectives and milestones identified at the start of the process, the feedback strongly suggests that they have nevertheless benefitted significantly from being within the programme (see below).

### **Have peer group authorities benefited from taking part in the programme?**

3.47 There was clear evidence that peer group authorities have derived benefits from participation in the programme. As stated above, even where progress against project objectives has been slow, authorities have reported a range of benefits from their involvement with the programme.

3.48 Evaluation feedback has highlighted the following benefits:

- More effective cross working relationships with authorities. The programme has provided a valuable means/support for advising and influencing colleagues, principally planners. This was thought to contribute to better joint working and improved policy making. Comments from interviews included:

*'Created a good framework for joint working with colleagues'; and 'Able to offer practical support to planning colleagues'.*

- Networking and comparing. Participants have benefited from the experiences of other councils, demonstrating what is possible, , exchanging ideas, building confidence – and even constructive rivalry (e.g. Leeds/ Sheffield);
- Participants had benefitted from raising the profile of their own authority through the programme, being seen as a leading council on low emission issues and part of a national programme supported by Defra;
- Developing national standards and approaches – creating a level playing field. The programme and its wider network are valued because they provide local councils with a more consistent framework for addressing LES issues, which again gives councils greater confidence to act. Comments included:

*'The low emissions toolkit will be beneficial – characterise emissions from development, not just plucking a figure out of the air'.*

*'Applying a consistent approach, not just our view. A level playing field'.*

- Participants benefitted from the practical nature of the programme. The LES work was seen to have added value above routine air quality impact assessments, by focussing on emissions and how these can be reduced;
- The programme had obviously provided significant support for local LES initiatives. In addition to playing a scrutiny role, the Programme/ Peer Group provided 'excellent' advice and the visits from Cenex advisors were highly valued;

3.49 The May workshop highlighted that non peer group local authorities (i.e. those currently outside the programme) have also benefitted. Attendance at such events and communicating with the programme has given other authorities the confidence to progress their own LES schemes. The programme clearly has a role not only in raising awareness more widely with local authorities, but in motivating others to act. Three local authorities attending the May event were interested in using Section 106 Agreements in relation to LES schemes and had sought advice from the programme.

3.50 Non peer group (non LA) stakeholders interviewed reported a range of benefits from participation or association with the programme. These included:



- promotion of new technologies and our understanding of opportunities within local authorities (Cenex);
- improved profile amongst local authorities in terms of air quality work, and communicating the fact that we are interested in innovative, user-led projects; influencing other government departments and forging closer links across government (Defra);
- helped to identify good practice (LACORS); and
- provision of guidance for promoting environmental benefits (EA).

3.51 The Cenex review of project progress (October 2009<sup>2</sup>) recorded the self assessed wider outcomes of authorities' involvement in Phase 1. These are listed and illustrated below.

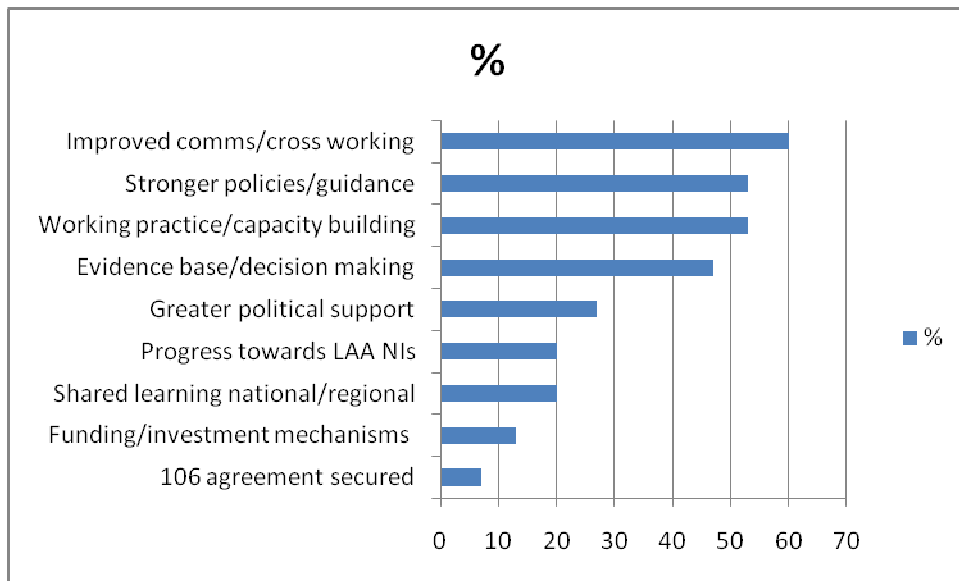
**Table 5. Generic project outcomes**

**Key: Generic Project Outcomes (with scores)**

- 1) 106 Agreements secured, which act to reduce emissions from transport associated development (7%)
- 2) Improved working practice and capacity building (53%)
- 3) Improved internal communication and more effective cross-working relationships (60%)
- 4) Improved evidence base and enhanced decision making (47%)
- 5) Greater political support for LES approach and stronger corporate commitment (27%)
- 6) Shared learning with national, regional/sub-regional peers (promoting benefits beyond own area) (20%)
- 7) Demonstrable contributions to achieving/evidencing progress towards LAA targets (NI185,186,194) (20%)
- 8) Low Emission funding/investment mechanism established and demonstrated in practice (13%)
- 9) Stronger policies and/or more supportive guidance in place at local level (53%)

	1	2	3	4	5	6	7	8	9
<b>City of London</b>									
<b>Croydon</b>									
<b>Greenwich</b>									
<b>Leeds</b>									
<b>Leicester</b>									
<b>Lewes</b>									
<b>Maidstone</b>									
<b>Mid Devon</b>									
<b>Oxford</b>									
<b>Sefton</b>									
<b>Sheffield</b>									
<b>South Cambs</b>									
<b>Tunbridge Wells</b>									
<b>Wandsworth</b>									
<b>Wigan</b>									

<sup>2</sup> Low Emissions Strategy Programme, Project Update, September 2009 (Andrew Whittles)



**Figure 1: self assessed wider generic project outcomes**

3.52 The above figure suggests that projects were more successful in terms of providing benefits in relation to staff working relationships and improved, more joined up policy development, but less successful in achieving and implementing funding mechanisms for LES work on the ground. This is not surprising given the timescale of Phase 1.

### What perceptions do key stakeholders have of the programme and its achievements?

3.53 The views of key stakeholders on the programme's strengths, challenges and achievements were sought via the interviews, May 2009 event feedback and in the 2010 Review workshop. These are summarised below.

#### Strengths

3.54 These are set out below:

- **Ambitious** It is an ambitious programme which means people feel good about being involved. However, this has also presented a challenge in terms of programme/ project set up (time and resources) and ambitious objectives can be daunting.
- **Committed and enthusiastic membership** The local authorities involved are very dynamic, enthusiastic and committed. The diversity of participants was also seen as a strength.
- **Effective Programme Board** The Board are committed and work well together and with the Peer Group. Comments included 'no-one is pushing their own agenda'

and 'strong enthusiastic leadership'. Commenting on the Board, one interviewee stated:

*'Success is down really to finding a bunch of people who got on well together as individuals and wanted it to work'*

- **Effective Secretariat and expertise** Participants valued the 'effective programme manager', co-ordinating, keeping everyone on board and circulating information. The expertise available to participants was also highly valued, with the link to Cenex being seen as productive in this sense (bringing in expertise). Billing Cenex as 'external experts visiting the authority' was particularly helpful to bring planning colleagues to the discussion table. Comments on strengths included valuing the 'technical knowledge base' and 'information provision'. This was also echoed by external stakeholders like DfT who had found LESP receptive to providing advice: *'they act as a focal point, location of expertise, contactable by central government'*.
- **Cost effective** The programme was seen to encourage local authorities to proceed in a cost effective fashion, which has 'pulled authorities together'. The fact that the programme has secured adequate funding is seen as a good indicator that there is substance behind the programme.
- **Self directed and action focussed** LESP is seen as a self directed local authority led initiative focussed on action and making things happen. The programme is based on air quality officers' coal face knowledge and so has a good appreciation of issues/ problems faced.
- **Flexibility** Participating authorities were able to decide what they wanted to do to, there was no one size fits all LES project template.
- **Timescale** The relatively tight timescale worked for some (e.g. Mid Devon), but not for others.

## Challenges

3.55 The challenges are listed below, divided into what we see as 'key challenges' and others.

3.56 Key challenges were seen as:

- **Adoption of LES by planners.** Getting whole process more universally accepted and adopted by planners (town planners, development control and transport planners) is a continuing challenge. Despite making in-roads on this issue, many see it as still too 'air quality dominated';
- **Resources and moving to the next level.** Taking the programme to the next level, particularly getting other local authorities, other parts of regional and national

government and other sectors involved. Promoting the business benefits of low emissions was seen as being key to success with regard to the latter. Some questioned whether the programme can fund people to get as committed as they would like to be. Resources are an important issue and despite successful Phase 2 funding there remains the question of whether LESP is a time limited programme or something more permanent. With local authority budgets so tight, some participants were finding it difficult to justify attending LES meetings or workshops in other regions. But there were also realistic concerns about sourcing the funding needed to join up ideas, e.g. bringing together LES and waste (expensive infrastructure required). Interviewee comments included:

*'Still to a large extent operating on people's in kind time – a virtual partnership in that respect, an environmental officer's partnership. To move it up to another level needs stronger resource'.*

*'It is reliant on good will in terms of people's involvement in the programme'. A longer term project may get around this'.*

- **Delivery and roll-out.** Outputs need to be usable and adopted. Early on, it was thought to be important to get some outputs/ quick wins that can demonstrate what can be achieved. The development of the emission assessment tools and benefit studies were seen as being important;
- Getting **senior officer support.** Delivery was thought to be key to gaining senior buy-in.
- Still a need for **examples** of where measures have had an impact e.g. resulted in reduced emissions and or concentrations. One year is a fairly short timescale to deliver outcomes, but such examples were seen as being important in gaining wider government support.
- Making the most of opportunities for **linking air quality with the climate change agenda.** LES offers exciting opportunities in this respect (although there are some conflicts), but utilising the political climate change imperative offers a major opportunity for LESP.

3.57 Other challenges were seen as:

- **Resistance to change:** 'there is some inertia in central government in terms of policy and guidance. It's hard to change things';
- **Maintaining momentum:** maintaining the momentum/ time input with such a disparate group all over the country, each with other issues and priorities to deal with. Keeping focussed and concrete outputs whilst being as broad as it needs to be;

- **Development down turn:** the economic downturn may mean there is a lack of developments to apply LES to. However, this was also seen as an opportunity to get the right policies and frameworks in place before the upturn. It was seen to be important to position LES so as not to be seen as an extra burden. The downturn also offers time/space to finalise and improve policies;
- **Timescale and lengthy council and planning processes.** Some projects found it difficult to meet their objectives in the timescale (one year), particularly those who intended to develop new planning guidance (e.g. SPDs).
- **Project to project communications.** One participant found it difficult to get together with other projects to talk about deliverables, given the regional spread: 'we are all scattered over the country, difficult to get together and talk about deliverables. With hindsight, an electronic forum would have been good'.

3.58 Stakeholders were also asked about wider barriers to the future development of LES work. These were seen to include:

- The current structure of local air quality management, with its fixation on concentrations being the driver for all actions: '*We still need to look at concentrations, but need to rely more on emissions*'
- The consistent approach issue and developing a robust evidence base of where calculations come from (hence the importance of the toolkit).
- Evidence of what works. A clear sense of what health impacts are – for the public and non practitioners. For some heavily evidence based government departments (e.g. DfT) those issues that rise to the surface are the ones with a strong evidence base behind them (helps them to compete better)
- Lack of joined up policy/approach at national level, between planning and environmental health issues. This makes it harder for local authorities to act: '*Climate change policy all over the place in government terms*'.
- Competing demands on infrastructure requirements: '*The cake is not big enough. Those with better rationale prevail*'.

## Achievements

3.59 The key achievements highlighted by participants to the evaluation were:

- Producing the Guidance document and positioning this to effect within government;
- Establishing the Peer Group Projects (in excess of target);
- Gaining government buy-in;

- Raising awareness, promoting best practice and networking. Participants and stakeholders reported an increased appreciation and awareness of LES as both a term and an approach: 'understanding of LES has improved without a doubt, for example its now used more by the trade press e.g. the Air Quality Bulletin'.
- Forging a consistent approach/ level playing field; and
- Ramping up Phase 1 into Phase 2

3.60 Many programme participants cited its main achievement as raising awareness, promoting best practice and networking. Typical comments included:

*'Keeping the issue alive' and establishing a 'broader awareness of LES at local level';*

*'Showing best practice and what's possible';*

*'Creating a best practice network';*

*'Great strides in publicising the benefits of LES, sharing experience has directly benefited other LAs';*

*'Very clearly building a strong database for best practice guidance'; and*

*'Excellent networking opportunity'.*

3.61 Other achievements referred during the evaluation included:

- Getting to the point where we can look at the feasibility of a national AQ qualification (relatively quickly);
- Continuing to develop the options for introducing LES;
- Bringing some of the key people together;
- Linking air quality, climate change, sustainability, development control and traffic planning into one technique (to become a toolkit?);
- Toolkits;
- Raising the importance of a strategy approach to low emissions rather than just individual actions;
- Getting the funding together and setting up the programme;

- Showing that developers can deliver too and can do so in a collaborative way with local authorities;
- Showing local authorities that help is available. LA AQ staff can feel isolated – with pressure from Defra – but not matched by Members of other sections such as transport planners;
- Good level of sign up for the newsletter; and
- Taking affirmative action that is Council-led in the absence of government-level action.

### **What has been the added value of LESP?**

3.62 During the evaluation we posed the question ‘what difference has the LESP made?’ Clearly the peer group authorities were already active in the air quality/ low emission landscape and the points below give a flavour of responses:

*‘Doubt we would have done it without LESP. May have looked round our local cluster of local councils for good practice. Certainly wouldn’t have happened so quickly’;*

*In terms of the LES programme making a difference, this was not so much to do with our Core Strategy/SPD (which was work in progress and near complete before the programme) but rather to do with our specific project this year i.e. the next step of integrating LES policies and AQ and Climate Change assessment requirements into our Allocations and Infrastructure Development Plan Document (DPD). Here the LES programme offered both financial and technical incentives and good support enabling us to push forward these relatively innovative policies and requirements. Certainly without the programme I don’t think we could have integrated as much as we have in the very tight deadline facing us (the DPD had a deadline for completion in Proposed Submission format with or without LES policies)’.*

*‘The reason for joining LES was because we were interested in quantification – the LES development tool. Found it impossible to do this time wise with individual developments at local level. The quantification aspect was weak/absent in our existing work (also – what to spend it on?). We were looking for national steer, seeking a more evidenced based and quantified approach through LES. LES offered national guidance and participation in a national scheme’.*

*‘LES focussed our minds further and drew attention to the fact that there are things out there we should be doing better’.*

*‘LESP provided the confidence to push harder and push forwards (using examples from elsewhere)’.*

*'LES provided technical and financial assistance, without which we wouldn't have done the project or at least not achieved the outcomes'.*

*'It provided a framework to work within'.*

*'Programme had its own deadlines, helped to focus the mind'.*

*'Would Defra have taken up the Guidance without the Group?'*

3.63 In summary, LESP has:

- Made action happen that may not have happened with LESP, or wouldn't have happened so quickly;
- Provided a national framework and a focus for AQ/LES activity, unblocking local barriers;
- Given local authorities additional confidence to act;
- Provided valuable technical and financial incentives for change.

## **Recommendations**

3.64 The evaluation makes the following recommendations, aimed at improving the LESP in the future.

### **2010 regional projects**

- **Focus on a small number of regional projects which can be well resourced by the Board and Secretariat in order to minimise set up and maximise delivery**

### **Support tools**

- **The 2010 programme needs to ensure delivery of the promised support tools (low emissions toolkit, benefits) to meet expectation and demand.**

### **Government liaison**

- **Defra host series of 3 way meetings between themselves, LESP and each of DfT/CLG/DECC;**
- **LESP further explores its role/contribution in delivering Defra 2010 priorities;**

- **Continue to explore wider departmental attendance on the new Low Emissions Forum.**

### **Communications**

- **Continue with a high quality series of (free) seminars and workshops, aiming for times and venues that cater for regional attendance, with as wide a local authority invitation as possible**
- **Explore RTPPI CPD accreditation for LESP events**
- **Case studies of evidenced based successful outcomes on the ground are immensely valuable and should continue to be a focus during 2010 and future years**
- **Proactively use the published Guidance to further engage the planning community, e.g. Chief Planners Groups, RTPPI etc**

### **Structure and funding**

- **The Board and wider Programme need to consider if LESP is time-limited as an initiative, or is the intention to carry on in perpetuity. In considering the long term future of LESP and the development of the programme beyond 2010, the Board should take into account the degree to which LES thinking has become embedded into national government (as a recommended approach) as a contribution to air quality and climate change action. Future planning and decision making needs to take into account the significant funding likely to be required to deliver the infrastructure requirements of fully joined up solutions for air quality and climate change – and the most appropriate mechanisms for achieving these outcomes;**

## 4. Case studies

4.1 Four case studies were agreed with the Programme Board. These comprised:

- Using local planning guidance to deliver LES objectives;
- Gaining political and high level buy-in for LES activity;
- A tool to assess developer S.106 contributions for air quality – Mid Devon Council; and
- Technology funding/deployment.

4.2 Summaries of each case study are set out below and full case studies are documented in Annex 1.

### Case study 1. Using local planning guidance to deliver LES objectives

Spatial planning policy is a crucial mechanism for delivering low emissions strategies<sup>3</sup> and their objectives, and a number of the 2009 Peer Group Projects wanted to develop low emission strategy Supplementary Planning Documents (SPDs) to address this agenda. Whilst progress has been made by a number of the Peer Group authorities towards the publication of an SPD, others have modified their approach. In some cases the idea of a 'bespoke LES SPD' has been altered in favour of enhanced LES guidance being used in revising existing SPDs (on air quality or travel choice) or in other forms of guidance (e.g. non-statutory guidance approved by Planning Committee).

A crucial success factor is ensuring appropriate co-ordination with the development plan (DPD) timetable. It is important that the relevant air quality 'policy hooks' are in place in an appropriate DPD (e.g. the Core Strategy), otherwise an SPD is inappropriate, however in practice hooks of varying relevance will exist and political will can be exploited to push for an LES approach. Other success factors include: ability to build on earlier air quality guidance already in place; a stepping stones approach; fostering strong internal relationships between relevant officers: gaining Member support: using external help and support; being opportunistic (e.g. using high profile local planning cases); using national and EU policy and targets: highlighting the benefits (e.g. income generation from S.106); and integrating climate change and AQ.

One of the key challenges was the perceived impact extra requirements/ contributions may have on local regeneration. In many cases it was recognised that SPDs actually

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<sup>3</sup> Low emission strategies provide a package of measures to help mitigate the transport impacts of development.

make things easier for developers by clearly setting out expectations and requirements. SPDs no longer require sustainability appraisal, but the lengthy process remained a concern. Some authorities were waiting for the national SPD template/guidance to be issued. Others have suffered from considerable time consuming debate and discussion about the best way to address LES objectives through the planning process. Finally, it was noted that this is not an 'either/or' situation in terms of having an SPD: progressive iterations of LES guidance can be successful and if approved by Planning Committee can carry an amount of weight in planning terms and lead eventually to an SPD. In this sense, some authorities had benefitted from adopting a 'doing' rather a 'talking' approach. Taking opportunist action such as pursuing interim guidance can be a useful option rather than becoming bogged down in debates about 'the perfect LES SPD'. This also allows for the reality check/learning curve to take place naturally.

### **Case study 2. Gaining political and high level buy-in for LES activity**

Delivering local authority action on Low Emission Strategies (LES) requires gaining the support of senior staff and Members. The cross departmental nature of LES work (often involving environmental health, planning and transport) also means that officers working on LES need to build relationships with colleagues and often put forward persuasive arguments for joint working.

The Peer Project authorities have used a mixture of carrot and stick arguments to justify LES action: highlighting benefits across policy development, Council performance and local community, whilst setting out key policy and legislative drivers. They have used a number of mechanisms for influencing senior colleagues and Members, including use of outside expert help and hosting national seminars.

This case study sets out to capture some of the methods, mechanisms and justification used by LES projects to gain Member and high level buy-in.

### **Case study 3. A tool to assess developer S.106 contributions for air quality – Mid Devon Council**

Mid Devon Council have devised a successful formula for securing air quality funding through planning obligations. This was devised following the production of a Supplementary Planning Document (SPD) on Air Quality drawn up as part of its Local Development Framework (LDF).

Contained within the SPD is a formula for assessing developer contributions to the Air Quality Action Plan under different scenarios. As the main impact on air quality is vehicles, the common measure used is trip generation for different uses, by unit or floorspace. This is then directly related to the cost of mitigation. The impact on air quality will be related to the scale of development and trip generation that depends on the use class. Some exclusions/reductions are provided for, such as affordable housing and small dwellings.

Although Mid Devon in effect went out on a limb to produce their own formula, it was widely consulted on and was supported within the council and by important stakeholders such as the environment agency, local and regional developers, landowners and the business community. This now provides a sound and accepted base to assess developer contributions to low emission strategies in Mid Devon. The LES approach has also been vindicated at a recent High Court challenge.

Simon Newcombe, Environmental Protection Officer at Mid Devon, commented:

*"By using LES guidelines, we created our own Supplementary Planning Document (SPD). This is used by developers to assess air quality emissions generated on a development site and requires them to contribute to additional mitigation measures in our Action Plan. This work demonstrates that air quality can be important even outside of major urban areas e.g. in small market towns. Proactive AQ officers can make a major difference working in partnership with the planning department".*

#### **Case study 4. Technology funding/deployment**

This case study focuses on the deployment of low emission technologies on the ground and looks at the experiences of two of the Peer Group authorities, Greenwich and Sheffield.

Greenwich are using S.106 funding to secure various LES technologies. The S.106 for the major redevelopment of Woolwich Town Centre includes provision of a car club, provision of residential and retail electric vehicle charging points and Euro 5 (or better) vehicle fleet standards. The importance of ensuring S.106 agreements can be revised to keep pace with improving standards and technological developments is recognised as is the need to make a strong case for the need for LES requirements in the face of later renegotiations from developers.

In Sheffield, a long standing low emission pedigree and imaginative use of a variety of funding sources has led to a number of low emission technology initiatives. These include a delivery plan for low emission vehicles and refuelling infrastructure across South Yorkshire, gas powered vehicles in the Council fleet, the Eco Stars voluntary rating scheme and involvement with the DfT 'Plugged in Places' scheme.

Important learning points include: being imaginative about bringing funding in from different sources; having the right team in place (beyond air quality officers) to respond to opportunities; and exploiting political support and positive publicity for this agenda.

# 5. Reflections on methodology

5.1 This section provides some reflections on the methodology employed in the evaluation and makes some recommendations for future LESP evaluation work including Phase 2.

## What worked well....

5.2 The **key informant interviews** provided an extremely useful source of information, particularly regarding stakeholder reflections on successes, achievements, barriers and learning. The mix of interviewees, drawing on the Board, Advisory Group and key government departments worked well and provided a range of views from those driving the programme as well as from beneficiaries and external stakeholders.

5.3 The **event feedback** form was a change to the original methodology which had proposed an email questionnaire for the Peer Group. This was altered for two reasons: trying to avoid too many requests to project leads (they had also been asked to complete the on-line spreadsheet progress tool); plus the May 2009 seminar provided an opportunity reach project leads 'in person'. The feedback form was returned by one third of the project authorities and provided important feedback from non project sources (organisational stakeholders as well as non-participant authorities).

5.4 The **case studies** also provided a useful mechanism for extracting key learning points. Building on intelligence from the interviews they enabled the evaluation to focus down on significant LES issues. In developing the case studies we undertook an additional number of telephone interviews which contributed to our information base and allowed us to speak with other project leads outside of those identified and agreed with the client.

5.5 Scheduling an **analysis workshop** in January 2010 towards the end of the evaluation meant that we were able to test many of our emerging findings with programme participants, as well as update our factual information on progress and outputs.

## What didn't work so well.....

5.6 Many project participants did not respond to the **project on-line reporting tool**, or 'progress spreadsheets'. Initial difficulties appeared to relate to people accessing the tool on-line on Google Docs. However, even when the spreadsheets were emailed to participants, the response rate was still relatively low. For each quarter around one third of the authorities responded. Reasons for this poor response rate may include pressure of work and a reluctance to report slow progress.

5.7 Using **case studies** in a formative evaluation of this type, over a fairly tight timescale (one year) meant that many of the projects we were looking at had not reached delivery stage and therefore were somewhat light on outputs and learning. Therefore, the case studies were rescheduled towards the end of the evaluation to provide more time for outputs.

## **Recommendations**

**In terms of evaluating future phases of LES work, we recommend the following:**

- **Continued use of key informant interviews, using a mix of Board, Forum and other stakeholders (including government departments such as Defra, CLG, DfT and DECC);**
- **Explore use of self evaluation forms submitted to Secretariat to assess project progress;**
- **Consider programme seminar looking at future of LESP beyond 2010, seeking to address big issues like government mainstreaming of LES, alignment with climate change agenda, and options for future funding**

# Annex 1 Case studies

## Case Study 1 Using local planning guidance to deliver LES objectives.

### Summary

Spatial planning policy is a crucial mechanism for delivering low emissions strategies<sup>4</sup> and their objectives, and a number of the 2009 Peer Group Projects wanted to develop low emission strategy Supplementary Planning Documents (SPDs) to address this agenda. Whilst progress has been made by a number of the Peer Group authorities towards the publication of an SPD, others have modified their approach. In some cases the idea of a 'bespoke LES SPD' has been altered in favour of enhanced LES guidance being used in revising existing SPDs (on air quality or travel choice) or in other forms of guidance (e.g. non-statutory guidance approved by Planning Committee).

A crucial success factor is ensuring appropriate co-ordination with the development plan (DPD) timetable. It is important that the relevant air quality 'policy hooks' are in place in an appropriate DPD (e.g. the Core Strategy), otherwise an SPD is inappropriate, however in practice hooks of varying relevance will exist and political will can be exploited to push for an LES approach. Other success factors include: ability to build on earlier air quality guidance already in place; a stepping stones approach; fostering strong internal relationships between relevant officers: gaining Member support: using external help and support; being opportunistic (e.g. using high profile local planning cases); using national and EU policy and targets: highlighting the benefits (e.g. income generation from S.106); and integrating climate change and AQ.

One of the key challenges was the perceived impact extra requirements/ contributions may have on local regeneration. In many cases it was recognised that SPDs actually make things easier for developers by clearly setting out expectations and requirements. SPDs no longer require sustainability appraisal, but the lengthy process remained a concern. Some authorities were waiting for the national SPD template/guidance to be issued. Others have suffered from considerable time consuming debate and discussion about the best way to address LES objectives through the planning process. Finally, it was noted that this is not an 'either/or' situation in terms of having an SPD: progressive iterations of LES guidance can be successful and if approved by Planning Committee can carry an amount of weight in planning terms and lead eventually to an SPD. In this sense, some authorities had benefitted from adopting a 'doing' rather a 'talking' approach. Taking opportunist action such as pursuing interim guidance can be a useful option rather than becoming bogged down in debates about 'the perfect LES SPD'. This also allows for the reality check/learning curve to take place naturally.

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<sup>4</sup> Low emission strategies provide a package of measures to help mitigate the transport impacts of development.

## 1. Background

Low emission strategies are commonly delivered through the spatial planning system. In addition to the inclusion of relevant LES policies in key development plans (e.g. Core Strategies), local authorities can provide further guidance on their LES approach through Supplementary Planning Documents (SPDs).

SPDs are documents that sit under the Council's main planning documents such as Core Strategies: they help provide further guidance about how policy may be implemented<sup>5</sup>. As such, they are a useful mechanism to strengthen development and delivery of low emission strategies. The Low Emission Strategies – Good Practice Guidance<sup>6</sup> suggests the following three important considerations for an authority developing new guidance:

- Moving away from exclusive consideration of pollutant concentrations towards including explicit emission reduction strategies;
- Better integration of air quality and climate change (single assessment);
- Promotion of a clear list of Authority-friendly mitigation options.

An SPD will form part of the Local Development Framework (LDF). It will be a material consideration in determining planning applications. The SPD could also offer guidance on the use of planning conditions and S106 obligations to improve air quality.

## 2. Peer Group LES activity

Appendix 1 shows Peer Group Authorities which either set out to develop an LES/AQ SPD as their 2009 Phase 1 LES project, or ended up moving in that direction. Authorities seeking to develop LES SPDs as part of the 2009 LES programme have focussed on discussing the most appropriate guidance mechanism to take this work forward. Alternatives to a bespoke 'LES' SPD include: integrating LES measures into existing SPDs, producing 'non-statutory' guidance, moving more to an Air Quality SPD, or using LES guidance in Air Quality Action Plans.

A number of the Peer Group authorities had already developed and adopted a relevant SPD (e.g. on air quality or planning obligations) outside of the LES programme, e.g. Greenwich ('Planning Obligations' Feb 2008); Mid Devon ('Air Quality and Development', May 2008); Croydon ('Air quality SPG' July 2004), Sefton ('Ensuring Choice of Travel, draft 2008) and Sheffield ('Transport Assessments and Travel Plans', 2004).

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<sup>5</sup> SPDs provide additional guidance on matters covered by Development Plan Documents. They are not part of statutory Development Plan, unlike Development Plan Documents. However, they form part of the Local Development Framework, and are therefore an important consideration in determining planning applications.

<sup>6</sup> Low Emission Strategies – Good Practice Guidance (Consultation Draft June 2008, Beacons Low Emission Strategy Group),

The Low Emission Strategies partnership has prepared an SPD template, which is to be made available and will help guide authorities when drawing up an SPD.

### 3. Outcomes

#### What difference has the LES programme made?

In Sefton's case, the production of LES guidance was wholly down to the LESP:

*'We wanted something embedded in planning and thought that this was the best way'.*

The LESP has been instrumental in raising aspirations of officers already working on air quality issues. It has bolstered existing activity often giving officers the confidence to expand horizons and seek new, more joined up ways of working with planning colleagues:

*'LESP drew attention to the fact that there are things out there we should be doing better'.*

For others, the programme provided a national steer and assistance on quantification:

*'We sought a more evidenced based and quantified approach through LES. LES offered national guidance and participation in a national scheme'.*

#### SPD outcomes

SPDs have been used to:

- highlight existing policies and stress the importance of air quality as a material planning consideration;
- amplify and give greater detail to policies in the Development Plan Documents;
- identify the circumstances where low emission strategies and/or emissions assessments will be required for new developments;
- offer guidance on measures to mitigate potentially harmful impacts of new developments; and
- provide guidance on the submission of air quality assessments and when and where these will be required.

For example, the key components of the **Mid Devon SPD** are:

- Expansion of the policy framework set out in the Core Strategy;
- Specify when an Air Quality Assessment (AQA) is required;

- Guidance on content and outcomes of an AQA without being prescriptive over methodology (future proofing against technical developments in modelling for example);
- Guidance on assessing significance;
- Set-out a formula for developer air quality contributions under S106 or other planning obligations; and
- Ability to look at cumulative impacts from smaller developments.

This SPD led to the introduction of the 'Mid Devon Formula' (see separate case study).

### 2009 SPD project outcomes

The 2009 LESP projects involving the development of LES SPDs have resulted in the following generic outcomes<sup>7</sup>:

	Better working practice and capacity building	Better internal comms and cross working	Improved evidence base and enhanced decision making	Greater political support for LES approach	Shared learning with peers	Stronger policies and / guidance
Leeds						
Maidstone						
Sefton						
Sheffield						
Wandsworth						
Wigan						

## 4. Learning

### Success factors

**Co-ordination with spatial planning timetable:** need to embed LES or air quality policy hooks in Core Strategy or relevant DPD before an SPD can be produced;

**Building on earlier guidance and initiatives,** e.g. Sheffield City Council had already produced its Air Pollution and Land Use Planning guide in 2001;

**Stepping stones approach:** Sefton originally started out to produce a 'how to' guide for their development control staff which stepped up a level to become Planning Committee approved guidance. Whilst still non-statutory, it carries weight with developers and will hopefully form the basis for a forthcoming LES SPD;

<sup>7</sup> Taken from Cenex review of Peer Group Projects, October 2009

**Strong internal relationships between relevant officers:** Relationships between Planners, Transport Planners and Air Quality Officers in Sefton have been strong for many years. They have worked well together to ensure that air quality is taken account of when planning applications and new road schemes are under consideration;

**Early involvement of planners;** if possible, get planners interested at an early stage as the process of developing guidance can be lengthy and timing is crucial;

**Gaining Member support:** a proactive Member 'champion' on air quality or climate change is invaluable;

**External help and support;** bringing in external expertise is one way of enticing colleagues along to meetings e.g. Andrew Whittles/Cenex facilitating meetings in Sefton. Other examples include using LES and best practice and templates and contacting other councils for examples of SPDs and S.106s;

**Being opportunistic:** Maidstone raised profile of AQ and LES issues via key local planning inquiry issue – helped to improve relationships with planners; in Leeds, the development of a new DPD provided the opportunity, and considerable LES guidance was able to be inputted following a query from a proactive Member about low emission issues;

**Using national and EU policy and targets:** Sheffield found that Defra impetus was key e.g. reminding members and senior officers that UK unlikely to meet EU AQ targets Realise that one way to address this issue is to go through the planning process – and LES/SDPs is a tool to do this. However, this approach was less useful in Maidstone. Guidance now published by Defra seen as providing hook for planners;

**Selling the benefits:** Wandsworth highlighted both improved guidance for developers (so they know what to expect) and income generation from S.106;

**Integrating climate change and air quality:** Sefton and Leeds are developing SPDs that address air quality and climate change, enables greater focus on emissions rather than concentrations, produces more joined up policy and provides a more persuasive argument for Members and Senior Officers; and

**Simplifying the message;** Leeds AQ staff found it challenging to translate AQ ideals to planning policy for each individual development proposal – use of a simple A4 flowchart helped to get key messages/requirements across (see resources).

### **Barriers/ challenges**

A familiar concern common to much of the LES agenda is the perceived negative impact that increased AQ constraints may have on local regeneration. In Sefton however, it was recognised that Low Emission Strategies can make a difference and that actions could be taken that would not scare developers away whilst still clearly

outlining what would be required from them, which would actually make things easier for developers. An SPD is a way of clearly setting out expectations and requirements. Interestingly, this is not seen as a concern in some (more affluent?) authorities, e.g. Wandsworth. This is particularly pertinent given the new emphasis on viability in terms of testing a DPD for soundness.

There is also a perception that SPDs take too long to be adopted and have baggage of having to undergo sustainability appraisal etc. Where the LDF process is delayed or protracted, other avenues being explored (e.g. Air Quality Action Plan as interim measure, Maidstone). In other cases, the uncertainty of how best to address LES objectives through planning has delayed action. The Planning Act (2008) removed the requirement for SPDs to be subject to sustainability appraisal. However, as the Sefton approach demonstrates, this does not have to be an either/or. It may be possible to produce progressive iterations of guidance leading towards an SPD.

A key barrier to SPD production is the need for it to be based on existing policy, e.g. in Core Strategy or UDP. This means that AQ/LES guidance must be integrated early on in the development of the Council's Core Strategy or relevant DPDs. Without such policy 'hooks', discussions about a SPD are likely to fail. Linked to this, discussions with development control colleagues can be fruitless if existing policy hooks or standards don't exist – they may have too many other priorities. However, exactly what constitutes an 'adequate policy hook' may be, to an extent, subjective: most authorities will have some relevant policy wording in their Core Strategy or relevant DPDs of varying degrees of relevance to air quality and LES. Therefore, this barrier may only be partial and may be removed gradually with persistence over time especially where there is political or high level support to see the LES approach adopted.

Some authorities were waiting for the national SPD template/guidance to be issued. Others have suffered from considerable (and time consuming) debate and discussion about the best way to address LES objectives through the planning process.

### **Pros and cons of the SPD approach**

*Pros:* something concrete, engrained in policy that can be flagged up in relation to every application;

*Cons:* can be a lengthy process, and need to get policy hooks in place in main Core Strategy first

**For more information:** see

<http://www.greenwich.gov.uk/Greenwich/YourEnvironment/PlanningAndBuilding/PlanningBuildingConservation/PlanningObligationsSPD.htm>

[www.middevon.gov.uk/media/pdf/j/1/Air\\_Quality\\_SPD.pdf](http://www.middevon.gov.uk/media/pdf/j/1/Air_Quality_SPD.pdf)



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## Appendix 1

The following LES Phase 1 Peer Group Projects involved consideration or development of SPDs:

Peer Group Authority and project outline	Progress to October 2009
<b>Leeds.</b> Possible development of SPD to integrate with existing guidance – generate funding and policy mechanisms to support development of NGT, LEZ and possible city wide LES.	LES initiative focussed thinking on new opportunities and although discussions with development control planners about a new SPD were unsuccessful (have too many SPDs already, and relevant hooks not in policy), the production of a new DPD has opened an opportunity to develop an SPD. This has been helped by a new proactive and interested Executive Member. The focus is likely to be air quality and climate change.
<b>Maidstone:</b> General integration of LES principles into planning system and improved officer working	A draft AQ SPD existed pre-LESP, but the delayed LDF process (due to Kent International Gateway (KIG) inquiry) has meant other avenues are being explored, such as use of the Air Quality Action Plan to showcase LES best practice. However, Pollution Control have secured inclusion of low emission component to the KIG travel plan and an air quality monitoring condition. The arguments presented were supported by the work carried out by the Peer Group which were instrumental in helping the communication with Planning Policy and DC. Planners have accepted the proposals and have been supportive, despite not having any internal policies in place due to the stage that the LDF process is at - a sign of improved

	communication and more effective cross-working relationships.
<b>Sefton:</b> Automate LES process to drive cross-sectoral approach – aim to produce informal guidance for planning and environmental officers	Set out to produce an LES 'how to' guide for development control staff which was then strengthened to become guidance approved by Planning Committee. The next stage will be to either produce a new LES SPD (when the Core Strategy is rewritten) or to amend an existing SPD on travel choices.
<b>Sheffield:</b> Parallel development of LES planning policy, leading to SPD, and demonstration of low emission technology helping develop robust business case for scale-up	The debate has centred on the best way of achieving LES objectives through the planning process, with the latest thinking focussing on integrating LES practice into existing SPDs on sustainable development and transport.
<b>Wandsworth:</b> Build internal support for LES and working towards SPD	Following internal cross- sector officer meeting and briefing report to Council, full Council report proposal for a 'full LES SPD' will go to Council Committee early in 2010. Key drivers for this initiative are a desire for better guidance for developers ('they know what to expect') and recognition that the S.106 approach will provide valuable revenue for emission reduction work.
<b>Wigan:</b> Embedding LES principles in wider Greater Manchester planning policy and also seeking quantification tools to build evidence based approach to seeking 106 contributions	Following joint presentation (also including Bury MBC) to Greater Manchester Planning Committee, activity has focussed on development of LES quantification tool. Adopted their own pre-LES AQ SPD in 2007 as the first part of a Greater Manchester AQ SPD. Now discussing a regional LES SPD

## Case Study 2. Gaining political and high level buy-in for LES activity

### Summary

Delivering local authority action on Low Emission Strategies (LES) requires gaining the support of senior staff and Members. The cross departmental nature of LES work (often involving environmental health, planning and transport) also means that officers working on LES need to build relationships with colleagues and often put forward persuasive arguments for joint working.

The Peer Project authorities have used a mixture of carrot and stick arguments to justify LES action: highlighting benefits across policy development, Council performance and local community, whilst setting out key policy and legislative drivers. They have used a number of mechanisms for influencing senior colleagues and Members, including use of outside expert help and hosting national seminars.

This case study sets out to capture some of the methods, mechanisms and justification used by LES projects to gain Member and high level buy-in.

### 1. Background

Delivering local authority action on Low Emission Strategies (LES) requires gaining the support of senior staff and Members. The cross departmental nature of LES work (often involving environmental health, planning and transport) also means that officers working on LES need to build relationships with colleagues and often put forward persuasive arguments for joint working.

However, this interdisciplinary nature of LES work contributes to its persuasive case, especially for Members.

### 2. LES actions and outcomes

Gaining senior officer and member support has been built around a typical 'carrot and stick' approach which can be summarized as:

- Awareness raising about LES;
- Promoting the **benefits** of LES;
- Highlighting the **policy and legislative drivers** for doing the work.

#### Awareness raising – what is an LES?



Low emission strategies (LES) provide a set of measures to help mitigate the impacts of travel and vehicle use in development. LES also aim to accelerate the uptake of low emission fuels and technologies in and around the development site. LES compliment other mitigation options, such as travel planning and the provision of public transport infrastructure. Strategies are secured through a combination of planning conditions and legal obligations. They may incorporate policy measures and/or require financial investments in and contributions to the delivery of low emission transport projects, including strategic monitoring and assessment activities.

Low emission strategies enable a variety of measures to be assembled, which work together to reduce transport emissions. LES may address both construction and operational phases of a development. Typical operational phase measures include parking policy, investment in low emission infrastructure, fleet emission improvement's, emission based tolling, procurement and supply chain initiatives and contributions to local transport projects and monitoring. A practical approach for mitigating the cumulative impacts of transport emissions from development is to require contributions to a central low emission fund. The fund may be used to support a variety of local projects as well as for assisting the implementation of air quality action plans, climate change action plans and local transport plans.

### The benefits of LES<sup>8</sup>

The following list summarises some of the benefit arguments that have been used to gain Senior Officer and Member support for LES projects.

#### Developing better and more joined up policy

- **The Climate Change Imperative:** Climate change is one of the greatest long-term challenges facing the world today. In addition air pollution causes major damage to our health and the environment in general. Joined up policies are particularly important for the transport sector, which is by far the most common cause of air pollution and for the declaration of air quality management areas. Transport currently remains the only sector where carbon dioxide emissions continue to increase. There is an urgent need for continued action; and spatial planning has a pivotal role in helping to secure enduring progress against the UK's pollution/emission targets;
- **Reducing emissions:** The main benefit of low emission strategies is to accelerate the uptake of low emission fuels and technologies in and around a new development, thereby complementing other design and mitigation options, such as travel planning and the provision of public transport infrastructure (note: since vehicles may travel considerable distances, these benefits will also be felt beyond the immediate vicinity of the development);

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<sup>8</sup> Greenwich Council are currently researching the benefits of LES.

- **Developing better and more joined up local policy:** LES focuses on emissions and enables a joined up approach to tackling air quality and climate change. There is considerable scope to join up with other Council policies, such as waste, in terms of using landfill biomethane gas as a vehicle fuel. As Andrew Whittles from Cenex commented:

*'Every local authority that I speak to is using LES as an opportunity to make links between different priorities, particularly between air quality and climate change. These priorities have become pertinent for everyone and the programme makes it look and feel feasible to address them in an integrated way';*

### Improving Council performance

- **Provision of a funding pot for implementation:** A practical approach for mitigating the cumulative impacts of transport emissions from development is to require standardised contributions from all developments over a certain threshold. Contributions secured in this way are most usefully allocated to a general low emission strategy fund, which is used to reduce transport emissions in the local area. The fund may be used to support a variety of local plans and projects (for example see measures referred to by Wandsworth Council, below) as well as for assisting the implementation of air quality action plans, climate change action plans, local transport plans, strategic monitoring/ assessment activities and relevant enforcement/ compliance work. Projects may support, for example, enhancements to the emissions performance of the local authority's own fleet;

### Low emission strategy fund – examples of target measures

Measure	Operational phase measures
Construction phase	e.g. refer to the London Code
On-site parking	Graduated price parking permit schemes (e.g. graduation based on VED emission bands/ Euro standards)
	Residential parking space set aside (e.g. for car clubs and/or low emission vehicles)
	Customer parking allocation for low emission vehicles (e.g. supermarkets)
Low emission infrastructure	Provision of electric charging bays or low emission fuelling points
	Car clubs – development and promotion (including provision of low emission vehicles and electric charging bays)
	Public transport fleet improvements
Fleet emission improvement	Fleet improvement agreements
Emission-based differential tolling	Toll rates based on emission performance of vehicles
Innovative ideas	Creative and opportunistic measures, for example:

	Low emission travel incentives via store loyalty card Local ESCO addressing transport issues Inter authority partnership
Procurement and supply chains	Forward commitment procurement
	Use of procurement potential to help accelerate market entry for low emission technologies

- **Contributing to National Indicators (NIs):** Low emission strategies may also contribute towards local authority performance indicators and targets for climate change mitigation and air quality (i.e. NI 185, 186 and 194);
- **Streamline planning decisions:** For air quality, the relevant statutory thresholds are the air quality objectives set out in the national air quality strategy. Impact modelling is expensive, complex and beset with uncertainties. Results are heavily confounded by meteorology and pollution backgrounds. It is rare for the air quality impacts of a single development to be considered significant. This is not to say that such developments are non-polluting or non-detrimental to health; rather that the assessment methodology is too crude for its intended purpose and fails to give adequate consideration to cumulative effects. For carbon dioxide, the emphasis is on emissions rather than concentrations. There is an established methodology, but no statutory threshold to provide a basis for assessment. Again, it is rare for the impacts to be considered significant and again, cumulative effects are often ignored. An attractive integrated solution is to assess both air quality and climate change on an emissions basis, and to require full mitigation from prospective developers. This move makes sense not only to improve the usefulness of the assessment, but also because it is known that all emissions of PM and NOx are harmful to public health and the environment;

### Community benefits

- **Improving health:** Almost any development has potential to increase harmful transport emissions and/or increase human exposure to transport related air pollutants. As the Tunbridge Wells LES project Member briefing states:

*'Air pollution can have a serious effect on people's health. Exposure to air pollution is associated in particular with premature mortality due to cardiopulmonary effects and high pollution episodes can also trigger increase admissions to hospital. Air pollution is currently estimated to reduce the life expectancy of every person in the UK by an average of 7-8 months, impacting particularly on children, the elderly and those in poor health. Air pollution also has a negative impact on our environment through effects on vegetation on water and soil';*

- **Local economic benefits:** The approach has potential to provide local economic benefits. Agreements may be tailored to support the development of local low

emission supply chains (e.g. fuel and vehicle supply, local renewable energy resources, vehicle leasing/ maintenance services, battery recycling) and to take advantage more generally of the wider societal shift towards a low emission and low carbon economy.

## Legislative and policy drivers

Recent planning policy guidance on climate change and air quality reinforces the importance of using the planning system effectively to manage the environmental impacts of new development, including the emission of air pollutants and greenhouse gasses. The main legislative and policy drivers are set out below. The fact that Defra are now championing the LES programme has been used by officers as a factor in persuading senior staff and members to action LES. In addition, government support for particular aspects of LES type work has also been helpful, e.g. support for low emission vehicles. Some important guidance documents for the statutory basis for LES work are:

- Planning Policy Statement 23 (PPS23): Planning and Pollution Control (2004);
- Planning Policy Guidance note 13 (PPG13): Transport (2001); and
- PPS1 Climate Change Supplement (2007);

### PPS23 Planning and Pollution Control (2004)

The PPS confirms that air quality in relation to new development is a material planning consideration and outlines the key role played by the planning system in avoiding or mitigating emissions (paragraph 2). **Appendix A** sets out various matters which should be taken into account when preparing a development plan. These include:

- The impact of potentially polluting development;
- The environmental benefits of development e.g. reducing the need to travel;
- Meeting regional or national air quality objectives;
- The need to limit and reduce greenhouse gas emissions;
- Existing action and management plans e.g. AQMPs

**Annex 1** of PPS23 explains the background to pollution control legislation and its interactions with the planning system. In particular, it provides useful guidance on the use of planning conditions and obligations (e.g. S.106). Key wording includes:

*'Local Planning Authorities (LPAs) should note that air quality can be an important consideration, whether or not the levels of air pollution in areas on which the proposed*

*development may impact due to dispersion or cumulative load are already high enough to justify the designation of an AQMA' (para 1.13);*

*'LPAs should take account of climate change considerations in their development plans ... in terms of mitigating the local conditions to climate change' (para 1.15); and*

*'Properly used, S.106 Agreements can be used to improve air quality, make other environmental improvements before a development goes ahead or offset the subsequent environmental impact of a proposed development', including measures such as *'...limiting car parking, car-free developments, supporting public transport, walking and cycling routes/paths, ... air quality monitoring equipment'* (para 1.50).*

### **PPG 13: Transport (2001)**

The PPG recognises that planning can help reduce the need to travel and promote more sustainable travel choices such as public transport, cycling and walking in order to reduce reliance on the car. Guidance is provided on the use of planning conditions and obligations.

### **PPS1 Climate Change Supplement (2007)**

Sets out the role of the Planning system in tackling climate change. Plans should deliver patterns of urban growth and sustainable rural developments that help secure the fullest possible use of sustainable transport for moving freight, public transport, cycling and walking; and, which overall, reduce the need to travel, especially by car. The proposed provision for new development, its spatial distribution, location and design should be planned to limit carbon dioxide emissions.

### **Meeting EU targets**

Peer Groups had found mixed success with using EU targets as a 'stick'. Sheffield considered that Defra's impetus (highlighting that UK was not meeting EU AQ targets) was important in terms of influencing senior staff and members. However, Maidstone had little success when citing our predicted failure to meet national/EU targets. The Tunbridge Wells Member briefing on LES states that:

*'... the UK is projected to miss the objectives for three of the nine pollutants used to measure air quality. These include nitrogen dioxide, particles and ozone. The European Commission has just launched legal proceedings against the UK for failing to meet EU air quality targets for PM10. Similarly, there are issues surrounding NO2 that are being considered'.*

## **3. Lessons learned**

### **Successful methods and tools**



Successful methods used to gain buy-in include:

- Committee Papers (e.g. Wandsworth) and Member briefings (e.g. Tunbridge Wells);
- Hosting events, seminars, conferences;
- Making presentations;
- Promoting inter-departmental cross working (meetings, steering groups etc). Sefton's use of brainstorming session with planners, helped to crystallise their project objectives with senior staff;
- Publicity. Greenwich have maximised political zeal for 'green' issues and the desire to be seen as a leader in the field. Low emission vehicles, for example, can be emblazoned with the council logo and used for Member publicity;
- Use of external experts e.g. Tunbridge Wells hosted a meeting of planners and environmental health staff in September 2007 to discuss the way forward for local authorities in Kent and Medway in relation to air quality and planning obligations. The Head of Planning and the Environmental Protection Manager from the London Borough of Greenwich attended to present 'Planning for Air Quality'. Sheffield invited senior Defra person to their AQ summit to speak about the role of planning in delivering LES. Use of 'outside experts' is one way of attracting senior colleagues to discussions;
- Use of templates – making it easy to understand. Leeds City Council developed a simple flowchart on 'initiatives to improve air quality'.

### Other success factors

- LES offers an opportunity for joined up policy – bringing together air quality, health, planning, transport, sustainability and climate change. One of its selling points is to produce or contribute to a cohesive corporate approach;
- One of the key selling points for Wandsworth was improved communication with developers: it was clear what would be expected of them in terms of S.106 requirements;
- Ability to have a degree of flexibility about the project, rather than one size fits all. Enables colleagues to help shape the LES project into best vehicle for delivering Member priorities;
- Be persistent: keep trying to get the message across – *'eventually the opportunity will arise and it will be taken up'*.

### Barriers/ challenges



- Lack of in house resources;
- Members' perception that LES represents another constraint on development which might mean developers going elsewhere. However, if LES can be argued as best practice and that the 'big developers are doing it anyway' then this will help. This was not seen as a barrier in all Peer Group Projects: some felt that their 'desirability' in terms of a development location overrode such concerns;
- Delivery. One authority felt that senior officer support would not be forthcoming until the programme/ project started to deliver results;
- A degree of resistance to a new agenda, and the feeling that it could be accommodated via existing mechanisms (or could be with slight revisions)? A clear understanding of planning mechanisms can assist in this respect.

### Note

LACORS are planning to develop a set of templates and tools intended to assist local authority officers in making the case for LES initiatives.

**For more information:** contact:

Steven Donaghy, Wandsworth Council 020 88717874 [sdonaghy@wandsworth.gov.uk](mailto:sdonaghy@wandsworth.gov.uk)  
(Committee Paper for LES SPD)

Dave Cherry, Leeds City Council [dave.cherry@leeds.gov.uk](mailto:dave.cherry@leeds.gov.uk) (template/ flowchart)

Karin Gray, Tunbridge Wells 01892 554240 [karin.grey@tunbridgewells.gov.uk](mailto:karin.grey@tunbridgewells.gov.uk) (Member Briefing)

LACORS: [Cassandra.Harrison@lacors.gov.uk](mailto:Cassandra.Harrison@lacors.gov.uk)

## Case Study 3. A tool to assess developer S.106 contributions for air quality – Mid Devon Council

### Summary

Mid Devon Council have devised a successful formula for securing air quality funding through planning obligations. This was devised following the production of a Supplementary Planning Document (SPD) on Air Quality drawn up as part of its Local Development Framework (LDF).

Contained within the SPD is a formula for assessing developer contributions to the Air Quality Action Plan under different scenarios. As the main impact on air quality is vehicles, the common measure used is trip generation for different uses, by unit or floorspace. This is then directly related to the cost of mitigation. The impact on air quality will be related to the scale of development and trip generation that depends on the use class. Some exclusions/reductions are provided for, such as affordable housing and small dwellings.

Although Mid Devon in effect went out on a limb to produce their own formula, it was widely consulted on and was supported within the council and by important stakeholders such as the environment agency, local and regional developers, landowners and the business community. This now provides a sound and accepted base to assess developer contributions to low emission strategies in Mid Devon. The LES approach has also been vindicated at a recent High Court challenge.

Simon Newcombe, Environmental Protection Officer at Mid Devon, commented:

*"By using LES guidelines, we created our own Supplementary Planning Document (SPD). This is used by developers to assess air quality emissions generated on a development site and requires them to contribute to additional mitigation measures in our Action Plan. This work demonstrates that air quality can be important even outside of major urban areas e.g. in small market towns. Proactive AQ officers can make a major difference working in partnership with the planning department".*

### 1. Background

Mid Devon covers a large rural area with a relatively low population (76,000 people). Air quality is largely good across the district, however there are two Air Quality Management Areas: Crediton (2004) and Cullompton (2007). These are historic market towns with high volume of congested traffic on main routes combined with street canyons and residential properties close to the kerb. The district has witnessed relatively large development pressures for new housing and commercial development which has resulted in a growing population.

## Developing air quality policy

In 2005 the Council took a decision to develop a robust policy on air quality and development control, following discussions between environmental health and forward planning staff to identify key issues for the emerging LDF. It identified the need for consistent criteria to be able to judge air quality constraints/impacts in relation to new development and a transparent, effective mechanism to secure mitigation measures and/or funding.

## 2. LES actions

Initially, the Crediton AQMA Action Plan incorporated the requirement to draft new air quality policy and produce a Supplementary Planning Document (SPD). Following the adoption of the AQMA Action Plan in 2006, work started on incorporating air quality policy into the MDDC LDF Core Strategy. The Core Strategy is the key spatial planning policy document for the MDDC area up to 2026 - Adopted in July 2007 following Planning Inspector Examination. Evidence of district air quality issues and policy approach provided in a topic paper on 'Transport & Air Quality'. At the Core Strategy examination, the inspector commented:

*"there is a serious air quality problem (in Crediton)...the approach of the Core Strategy to give weight to this concern and explore developer contributions, through policy COR15 (f) and (g) is the appropriate way forward."*

### Developing the SPD ("Air Quality and Development")

With the appropriate policy 'hooks' in place, development of the SPD started in 2007 and was adopted in May 2008. The SPD was widely consulted upon and has been accepted as a council strategic document. The key components of the SPD are:

- Expansion of the policy framework set out in the Core Strategy;
- Specifying when an Air Quality Assessment (AQA) is required;
- Guidance on content and outcomes of an AQA without being prescriptive over methodology;
- Guidance on assessing significance;
- Setting out a formula for developer air quality contributions under s106 or other planning obligations, initially for the Crediton AQMA but sufficiently flexible to be applied in other circumstances;
- Ability to look at cumulative impacts from smaller developments; and
- Synergy with other policy and initiatives e.g. LTP2 and Climate Change.

## Devising the formula

Mid Devon are now using their SPD to calculate developer's contributions of 50% of the cost of measures within their Air Quality Action Plan. The formula for calculating developer contributions was produced in house as a 'unique formula for a standard charge'. It is based on the following principles:

- Needed to be transparent and scaled to reflect the varying impact of different development types (vehicle trip generation);
- Uses known development rates taken from the Core Strategy to gauge specific development types within Crediton area over 10-year period in order to predict who will pay the contributions;
- Contributions will be used directly for implementing AQAP measures;
- The cost of implementing AQAP measures had to be calculated; and
- It provides an approach which can be applied in other circumstances e.g. major developments outside of an AQMA and the emerging Cullompton AQAP.

### Box 1 Mid Devon Formula - example

<b>Formula example for retail (non food) development (high cost estimate)</b>						
No. units <sup>1</sup> 2006-16	Trip generation per day/unit <sup>2</sup>	Viability Index	Total vehicle trips	Total vehicle trips requiring payment	Cost (£) <sup>3</sup>	<b>Cost per unit (£)</b>
13.5	40.5	0.75	546.75	410	237813	<b>17616</b>

<sup>1</sup> unit = 100 square metres gross floor area (GFA)  
<sup>2</sup> average vehicle trips per day based in national TRICS database  
<sup>3</sup> calculated by dividing total trips requiring payment (for the development type) by the overall total trips requiring payment for all development types (8837 vehicle trips per day including the total for retail non-food) then multiplying by the 50% high-cost AQAP implementation cost of £5.15m

The SPD states that an Air Quality Assessment (AQA) may be required if any of the following criteria are met:

#### **Mid Devon SPD Air Quality and Development, May 2008**

Para 2.2 Air Quality Assessments will be required for developments if either of the criteria are met in the following policy:

#### Policy AQ1

An Air Quality Assessment may be required if any of the following criteria are met:

- *Retail - Food 0.2 Ha/1000m<sup>2</sup>*
- *Retail - Non food 0.8 Ha /1000m<sup>2</sup>*
- *Office (B1) - 0.8 Ha/2500m<sup>2</sup>*
- *Industry (B2/B8) - 2.0 Ha/6000m<sup>2</sup>*
- *Residential - 1.0 Ha /75 units*
- *60+ vehicle movements in any hour*

- 1 An assessment may be required if either the site area or gross floor area is exceeded.
2. Any industrial or commercial activity requiring regulation under Pollution Prevention and Control Regulations (PPC) (unless a draft PPC Permit is already in place following a PPC application prior of planning application).
3. Proposals for new developments with 100 parking spaces or more or an increase in existing parking provision of 100 spaces or more.
4. Proposals which significantly alter the composition of traffic such that adverse air quality impacts may arise.
5. Proposals which may result in increased congestion and lower vehicle speeds than is present on the existing network.
6. Proposals for any new developments in areas of air quality objective exceedances within current or potential air quality management areas, where people would be exposed for significant periods of the day.
7. Any other development proposal within or adjacent to an Air Quality Management Area (AQMA) and not listed above which may, in the professional opinion of the officer, be significant in terms of air quality impact and/or may impact on the working of measures detailed in an AQMA Air Quality Action Plan.

Payments are secured by 10-year planning obligations/S106 agreements and are rarely linked to a specific AQAP measure - rather they are linked to the overall AQAP. Minor developments pay at the lower end of the range which enables some capture of cumulative impacts. The Council are able to secure a banded payment (low-high) from major development dependant on the final cost of AQAP implementation. All major developments (and some others) are still required to complete an AQA (SPD criteria have been incorporated into the 1App planning application verification process<sup>9</sup>, i.e. are part of the checks that all Development Control departments make when deciding if they can accept and therefore register a planning application. The purpose of incorporating the SPD criteria into the Mid Devon local requirements was to ensure that if a relevant application was submitted without the required AQA it would be rejected (with reasons given) rather than accepted thus leaving little time to secure an assessment, consider the proposals impacts and secure any requirements/mitigation

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<sup>9</sup> 1App refers to the name of the national planning application form all Local Planning Authorities must use. There are national minimum validation requirements in addition to local requirements.

measures etc within the application determination window. Having an AQA means that 'above average' polluting schemes can be scrutinised in detail and ensure there are no conflicts with the AQAP.

### How LES made a difference?

The LES programme has offered both financial and technical incentives and good support enabling Mid Devon to push forward these relatively innovative policies and requirements into the Council's Allocations and Infrastructure Development Plan Document (DPD). As Simon Newcombe commented:

*'Certainly without the programme I don't think we could have integrated as much as we have in the very tight deadline facing us'.*

The result has been a clear integration of local AQ and climate change issues reflected by strong policies requiring all new major developments to come forward with LES approaches and ultimately deliver a reduced AQ and climate change impact. Without a developer demonstrating this adequately the Council now has a clear remit to reject masterplans and/or specific applications. The Allocations and Infrastructure DPD has now finished consultation and is almost ready for submission to the planning inspector. The next step will be an examination of the DPD next year by the Planning Inspector leading to formal adoption of the document and the requirements therein.

### 3. Outcomes

The formula has been successful in obtaining £1.2-2m contributions from Tesco and over £100,000 other contributions since its introduction in 2008. The Council are now using this formula for other areas/ circumstances outside of Crediton, e.g. the emerging Cullompton AQAP, and for major development outside the AQMAs (especially where a pro-rata contributions required for different development types or phases/applications).

The new Tesco store is due to open early in 2010 and is based in Wellparks, Exeter Road, Crediton – in an area with poor air quality due to the high levels of harmful emissions from road traffic. Crediton was declared an Air Quality Management Area in June 2006 due to high levels of Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter (PM<sub>10</sub>). It is expected that the development will generate traffic and congestion leading to air pollution and increased emissions of Carbon Dioxide, a major contributor towards climate change.

### 4. Lessons learned

#### Success factors

- One of the main drivers was the consistent culture of communication and joint-working between Environmental Health and Forward/DC Planners supported and encouraged by the respective service managers. Early engagement and consultation between AQ officers and planners was vital as part of the emerging LDF. This



partnership approach was able to take advantage of the opportunity provided by the new LDF system to develop new AQ and planning policy;

- The Council had strived hard to maintain a high profile of AQ issues internally, with elected members and externally which helped support the SPD development and adoption;
- Made good use of national guidance and context, looked at what others were doing in SPD's or similar planning policy documents;
- If you have the right policy 'hooks' in the Core Strategy, it enables the detailed policies such within and SPD or DPD documents to be put in place. Having good planning policies/SPD is crucial to enable development control to properly take account of air quality;

### **Barriers/ challenges**

Whilst there was plenty of guidance on doing AQ Assessments and some guidance on examining significance, there was very little guidance on formulas to calculate developer contributions were available. Where other LA's had produced a £ figure for developer contributions there was little or no justification/reasoning. The Council had to start from scratch in this respect.

### **Future development of the tool**

The Council are looking at applying/updating the SPD and formula in new policy developments e.g. Community Infrastructure Levy (CIL). MDDC are also a pilot authority for a project to incorporate a joint assessment of climate change impact, low carbon technology and low emission strategy potential for residential development allocation sites.

### **High court challenge**

The Council has successfully challenged a Planning Inspector's decision in the High Court, using LES in conjunction with their SPD. The Council initially refused to grant planning permission for a commercial development in Crediton on grounds unconnected to air quality issues. This decision was later overturned on appeal by a Planning Inspector who also told the developer they did not have to conform with the Mid Devon SPD which contains a requirement to contribute towards Air Quality Action Plan measures. This is despite the SPD being a formally adopted document at the time the appeal was heard. The Action Plan sets out LES measures to ensure that the operation of a site, including any additional road traffic arising, are not detrimental to health or the wider environment through pollution. The Council challenged the Planning Inspector's decision to overturn their initial refusal and waive the SPD requirements via a legal challenge to the Secretary of State in the High Court. The judge ruled that the Planning Inspector had acted unreasonably and had failed to carry out his legal duties correctly. The judge also ruled that the Planning Inspector had failed to understand the SPD policy and costs were awarded to the council.

Simon Newcombe, Environmental Protection Officer at Mid Devon District Council, commented:

*"We were concerned as the Planning Inspector failed to take account of the SPD it potentially undermined our whole policy approach and we felt we had to take the unusual step of challenging the Planning Inspector's decision. Our SPD is an adopted strategic document and all future major developments in the area will now incorporate low emission strategies, sustainable energy and carbon footprinting. We are very happy that a complex legal challenge has ultimately resulted in a very high legal vindication of our approach."*

**For more information:** see [website] or contact Simon Newcombe, T: 01884 244615, E: [snewcombe@middevon.gov.uk](mailto:snewcombe@middevon.gov.uk)

**Resources:** Mid Devon SPD on Air Quality and Development  
[http://www.middevon.gov.uk/media/pdf/j/1/Air\\_Quality\\_SPD.pdf](http://www.middevon.gov.uk/media/pdf/j/1/Air_Quality_SPD.pdf)

Related planning document including Planning Inspectors Core Strategy Examination Report, SPD adoption statement etc available at:

<http://www.middevon.gov.uk/index.cfm?articleid=1885>

## Case Study 4 Technology funding and deployment

### Summary

This case study focuses on the deployment of low emission technologies on the ground and looks at the experiences of two of the Peer Group authorities, Greenwich and Sheffield.

Greenwich are using S.106 funding to secure various LES technologies. The S.106 for the major redevelopment of Woolwich Town Centre includes provision of a car club, provision of residential and retail electric vehicle charging points and Euro 5 (or better) vehicle fleet standards. The importance of ensuring S.106 agreements can be revised to keep pace with improving standards and technological developments is recognised as is the need to make a strong case for the need for LES requirements in the face of later renegotiations from developers.

In Sheffield, a long standing low emission pedigree and imaginative use of a variety of funding sources has led to a number of low emission technology initiatives. These include a delivery plan for low emission vehicles and refuelling infrastructure across South Yorkshire, gas powered vehicles in the Council fleet, the Eco Stars voluntary rating scheme and involvement with the DfT 'Plugged in Places' scheme.

Important learning points include: being imaginative about bringing funding in from different sources; having the right team in place (beyond air quality officers) to respond to opportunities; and exploiting political support and positive publicity for this agenda.

### 1. Background

Both Greenwich and Sheffield have been active in the air quality and low emission scene for a number of years prior to becoming Peer Group Projects as part of the 2009 LES Programme and both already had Beacon Council status for the air quality work.

In Greenwich, the model LES S.106 approach is applied to all significant development sites (10 dwellings or more), but not all aspects are applied to each development. This approach is based on its Supplementary Planning Guidance (SPG)<sup>10</sup> which requires contributions towards environmental health and waste management. A standard contribution is sought of £100 per dwelling for residential development and £10 per m<sup>2</sup> for town centre and commercial development.

Sheffield were the lead authority in establishing and chairing the national low emission forum to disseminate best practise across the country in 2005. Their planning policies and guidance, including the 'Transport Assessments and Travel Plans SPD' (2004) have been instrumental in setting the context for their low emission work.

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<sup>10</sup> Planning Obligations SPD Feb 2008

## 2. LES actions and outcomes

A major Greenwich LES scheme is Woolwich Town Centre where the S.106 with Tesco involves reduced car parking, a funded Car Club, provision of electrical charging points (residential and shopping), fleet controls to Euro 5 or better and uptake of cleaner fuels and technology. The push for Euro 5 or 6 is intended to encourage a move to biomethane as a fuel. Box 1 below provides more details of the S.106 obligations. The Greenwich scheme for Woolwich Town Centre has yet to commence. This may be due to the recession, but the developer is also seeking to renegotiate some of the S.106 aspects, including the LES requirements.

### **Box 1. London Borough of Greenwich planning obligations achieved through S.106 agreement for Woolwich Town Centre:**

- Provision of a car club
- 500 residential spaces annual charge £0 - £300 depending on VED rating of car
- Controls on parking permits and transfers
- Ten electric vehicle charging points within the residential car park
- 50% of delivery vehicles and 50% Home delivery vehicles to meet Euro 5 rating by store opening. 100% within 5 years.
- To report on the implementation of the Low Emission Zone measures and targets on store opening and at five and ten years afterwards
- £16,000 per annum for ten years towards Council's Environmental Monitoring (total £160,000)
- 10% renewable energy commitment
- BREEAM excellent rating
- CHP plant including community heating

In many ways Greenwich was a pioneer authority for low emissions work and their S.106 approach was in place and well advanced before 2009. Therefore, much of this work would have happened without the LESP. Being part of LESP has meant that approaches to developers have met with a good reception, plus the Council has benefitted from other peer group project ideas.

In Sheffield, funding for low emission technology deployment has been secured from a number of sources, rather than through S.106 agreements. This has included: infrastructure grants, Council area based grants, the Local Transport Plan (LTP) and air quality grants. The following projects are being taken forward:

- Commissioned a development/delivery plan for low emission vehicles and refuelling infrastructure across South Yorkshire. The expectation is that the LTP will then help fund the delivery of this work;
- Funding bid submitted for round 2 of 'Plugged in Places' DfT initiative;
- Just about to launch ten gas powered vehicles within Council's own fleet via a partnership with Mercedes, VW, Sheffield City Council and Chesterfield Biogas. This

will include a refuelling station at the Council's depot, using biomethane sourced from a southern landfill. Looking at how to build on this on a South Yorkshire basis.

- EcoStars scheme, a voluntary recognition scheme for fleet operators who are awarded stars based on their environmental performance (this is a South Yorkshire initiative involving Sheffield, Barnsley, Doncaster, and Rotherham). Looking into using this as a basis for future work such as low emission zones or procurement decisions.

Like Greenwich, Sheffield was far advanced with this work prior to the 2009 LESP and much of this work would have happened without the LESP. However, there is a recognition that being involved has 'created a momentum' for the LES approach which is positive and beneficial.

### 3. Lessons learned

#### Success factors

- Consider a way of reviewing existing S.106 agreements to prevent them becoming out of date with regard to standards and technologies;
- Be clear and firm about the need for LES measures if and when S.106 renegotiation occurs;
- Funding is clearly important, but be imaginative about bringing funding in from different sources;
- Need the right people involved, which is not necessarily air quality officers, but the team should include procurement and media colleagues. This is important especially in terms of...;
- ...being able to respond to opportunities quickly, and having the capacity to respond, including submission of quick bids ('not waiting 6 months to submit a bid');
- Developing a partnership approach is important, including public-private sector partnership, and engage with the right organisations;
- Capitalise on the political support for this agenda and exploit positive publicity to the full, for example ensure appropriate Council publicity on carbon neutral/low emission vehicles and involve community organisations in use of these vehicles.

#### Barriers/ challenges

Developers can be happy to agree the package of LES measures to receive consent for development, only to seek to renegotiate various aspects at a later date. In Greenwich, the Council's view is to stand firm and argue that the need remains.

However, S.106 agreements can be in danger of becoming 'trapped in time' and outdated as standards rise and technology improves. Greenwich are considering an 'auditing and updating' mechanism which would allow S.106 agreements to be revised to be in keeping with current (or future) standards and technologies. For example, the Greenwich Peninsula development took 18 years to come to fruition.

Fleet managers can be 'risk averse' and resistant to low emission vehicles. Important that the policies are in place to demonstrate that the Council supports this work, including the Local Development Framework process and signing up to appropriate National Indicators (NI 185, 186 and 189). But also important to show that the funding is available.

**For more information see:**

[http://www.care4air.org/eco\\_stars\\_scheme.html](http://www.care4air.org/eco_stars_scheme.html)

<http://sheffieldsmyplanet.co.uk/initiatives/electric-cars-for-sheffield/plugged-in-places>

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