

LES Policy and Practice Seminar Report

Royal Horticultural Halls & Conference Centre
80 Vincent Square, London, SW1P 2PE

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OVERVIEW

'Low Emission Strategies (LES) help to ensure new developments are designed with the lowest environmental impact possible. The LES partnership is working with 15 local authorities across England to help improve delivery' (for more information visit: www.lowemissionstrategies.org).

The May seminar brought together policy experts and practitioners to review progress being made within the partnership and to consider interactions and opportunities in relation to national policy and guidance. The day included a selection of short presentations alongside panel discussion.

The morning opened with a key note presentation from Defra's Martin Williams, who explained the importance of low emissions strategies and described their national context. LES programme manager Rob Pilling followed with a practical introduction to Low Emission Strategies and the work of the LES partnership. Speakers from Sheffield, South Cambridgeshire and Oxford then provided local case studies, illustrating the opportunities and challenges involved.

The afternoon began with a presentation from Steve Merryfield, former head planner at Greenwich Council. Steve discussed important aspects of national planning policy and its implications for the deployment of low emission strategies. Attention then turned to three key technical challenges: adoption of LES funding formulae; assessment of benefits for LES measures; and deployment of low emissions technology.

The event was well attended with nearly 60 delegates, representing central and local government, industry, academia and non-governmental bodies.

Chair's Summary

Chair, John Murlis thanked all the speakers for their informative presentations. He considered the day an excellent opportunity to reflect on the Low Emission Strategies approach, to consider what is in train, what is in prospect and how we can move to a better understanding of the associated benefits and impacts.

At a national level, air quality is likely to remain in exceedence with continued detrimental impact on health, even where concentrations are below statutory limits. Low Emission Strategies have potential to play an important role in tackling these concerns.

At local level good examples are emerging of what it is possible to achieve. We are also developing a better understanding of the challenges involved and how best to overcome them. Authorities are gaining confidence in applying more stringent LES measures and 106 agreements have increasing potential to provide resources for key local action. At the same time no evidence has been presented of developers walking away from the table as a result of proposed LES measures.

Further improvement and refinement of the approach is possible. In particular, improved guidance on technology options and better impacts/benefits data will assist decision making. Work is in progress to develop these resources. To get full benefits we need to move towards all authorities using them as a matter of course.

In closing John commended the LES approach and the work of the LES programme. He noted growing support at all levels, exemplified not least by ongoing central government funding. He also looked forward to future meetings where further examples of good practice and innovation can be presented and discussed. As well as perhaps establishing new directions and opportunities for the partnership.

SPEAKER SUMMARIES

Title	Speaker
LES - a national perspective	Martin Williams (Defra)
Low emission strategies in practice	Rob Pilling (The LES Partnership)
Putting the fundamentals in place	Ogo Osammor (Sheffield) Susan Walford (S. Cambs) Roger Pitman (Oxford)
LES and planning policy	Steve Merryfield (The LES Partnership)
LES opportunities for the future	Andrew Whittles (Cenex)
LES funding formula	Simon Newcombe (Mid-Devon)
Technology guidance for LAs	Andrew Whittles (Cenex)
Deployment of low emission technology	Steve Simmons (Sheffield)
Options & progress in impact assessment	Gwyn Jones (AEAT)
Assessment of Benefits – LES project	John Paterson (Greenwich)

Full presentations are available from the Low Emission Strategies website (www.lowemissionstrategies.org.uk). Summaries are provided below, followed by a summary of discussions presented in the form of key questions and answers.

The National Perspective (Martin Williams, Defra)

Martin Williams explained Defra’s priority on Air Quality to ensure compliance with NO2 and PM Air Quality objectives; and in doing so to avoid potential infringement at European level. He also updated on current national level review and action planning, which will form the basis of an application for derogation of NO2 objectives until 2015. At the same time Martin stressed how important it is not to lose sight of the bigger public health picture. Not least the significant impacts of particles, even in locations where current objectives are met. This need is reinforced by the introduction of the new PM2.5 regime and associated longer term exposure reduction targets.

Source apportionment for NO2 exceedences can be very site specific. None the less traffic sources tend to dominate, with strong contributions from HGV’s. ‘Local background’ can also be a significant component. In response to the challenge Martin declared a need for a fresh approach to delivery of the Air Quality Strategy. He believes that we need to accelerate the impact of existing measures and revisit the feasibility of additional options, for example retrofitting, Low Emission Zones and wider low emission strategies.

The response requires a coordinated effort at national and local level and Defra is keen to engage with key authorities over the coming months. Martin stressed the importance of high level engagement, integration with transport and spatial planning functions and also for the need to consider the fullest possible range of measures.

In summing up Martin emphasised his support for the LES partnership and its work. He feels it is a very timely initiative and extended a warm invitation to continue to work closely with Defra to improve air quality and to help protect public health across the country.

Low Emission Strategies in Practice (Rob Pilling, The LES Partnership)

Rob Pilling followed with an introduction to Low Emission Strategies and the work of the LES Partnership. He started with reflections on the growing emphasis on emissions based approaches and also on progress towards an accepted definition of the term 'low emission strategies'. He argued for retention of a tight definition focussing on transport measures which support the adoption of low emission technologies and on approaches integrating action on air quality and climate change.

Rob went on to describe the underlying principles of planning based Low Emission Strategies, which provide focus for phase I of the LES programme. He listed a set of key core measures and discussed the use of standardised charging formulae.

Experience from local authorities suggests that putting LES into practice is a lot about getting the basics right. This covers corporate commitment, political buy-in, effective cross department working, understanding and optimising policies and developing appropriate supplementary guidance. On a day to day level it also means establishing standard procedures and effective ways of working.

Rob also identified a number of more specialised and technical challenges presented by the Low Emission Strategy approach. These include: selection of LES charging formula, impacts assessment, management of 106 funds, implementation of measures and deployment of new technologies. On the latter point Rob suggested that the approach works best where an authority has developed a coherent vision for what it wants to achieve across its local area. Thereby allowing the planning contribution to be integrated into this wider picture

Rob explained that the LES programme is designed both to help authorities implement the basics and also to tackle the more complex challenges. He updated on progress to date and outlined priorities for the remainder of 2009. These include: delivery of peer group projects, publication of new resources and updating of the original Beacons LES guidance.

The next major event will be Care for Air in September, which this year will be co-hosted with the LES partnership. Additional communication activities are planned for 2009. The best way to stay in touch is via the LES Partnership website and newsletter (www.lowemissionstrategies.org.uk). Visit the website to sign up to the newsletter.

Finally, Rob announced that the Partnership has secured new funding from CLG and is pursuing match funding from Defra's AQ grant. Plans for deploying these new funds are under development. They are likely to include a second round of peer group work, though with a revised format, possibly centering around regional champions and regional working. Further announcements will be made shortly

Local Update 1 (Ogo Osammor, Sheffield)

Ogo described progress, challenges and lessons learned in implementing Low Emission Strategies. The Sheffield local development framework provides a good basis for protecting air quality in the city and for encouraging the implementation of Low Emission Strategies. Supplementary guidance is in development, but Ogo has also been able to make good progress in advance of this. LES agreements to date include measures such as installation of electric charging points, low emission priority parking schemes, and agreed minimum euro-standards for on-site vehicles.

Ogo has faced a variety of challenges as part of this work. At a personal level he has improved his understanding of how the planning system works. Meetings with planners were required to establish

working protocols and to improve cross-working. Preparation of a committee report on Low Emission Strategies helped to strengthen management and political buy-in.

Local Update 2 (Susan Walford , South Cambridgeshire)

Susan described plans for a new town at Northstowe in South Cambridgeshire, which aims to be an 'exemplar in sustainability. The proposal covers a 200 hectare site, with provision for nearly 10,000 homes. There are Air Quality concerns associated with the proposal. Not least the implications for the local road network, which already suffers from severe congestion.

Susan is working through the LES peer group to develop a low emissions strategy for Northstowe. Which aims to: *'Accelerate uptake of low emission fuels and technologies alongside design options, travel planning and public transport infrastructure proposals'* The full application is still awaited and proposed 106 measures are under review.

Local Update 3 (Roger Pitman , Oxford)

Oxford have recently implemented a Low Emission Zone. This is the culmination of a lengthy development process, initiated with the declaration of an AQMA back in 2001. Roger explained that a key limiting factor has been the ability to assess baseline conditions and thereby justify proposals. The development of a citywide emissions inventory was a vital step forwards in this respect. Key to overall success has been the partnership between city and county council, driven primarily by statutory requirement to include AQAP into LTP.

Moving forwards, the two councils are working to extend the approach. A recent report to the city executive recommended that both Councils *'work together to adopt a shared Low Emission Strategy (LES), whereby policy measures applied by each Council may be considered within an integrated approach to reducing the impact of transport emissions'* Oxford plan to develop a two strand city wide LES addressing transport planning and spatial planning initially in parallel and then bringing the strands together.

Roger considers Low Emission Strategies as *'a very strong and powerful integrating tool'* for reducing total emissions across a whole city. He argued for stronger wording and support at national level to encourage adoption and cross council buy-in at local level. He noted worrying trends heading in the opposite direction, for example a reduced emphasis on Air Quality action within LTP3 compared to LTP2.

Roger also commented on the importance of building a strong evidence based to support his work and how this is vital for gaining buy-in from key functions. One striking example being his improved working with the transport planning team: *'We are concerned about air quality, they are concerned about transport, but its the emissions assessment which is the key to how we work together. Once we were able to put something on the table to say this is what your transport emissions are they were immediately keen to go ahead with the process. Being able to work well alongside our transport planners is marvellous.'*

LES and planning policy (Steve Merryfield,The LES Partnership)

Steve opened his presentation with something of a rallying call. He said *'its important to shout about this work and stress its importance, if everybody does it then impacts can be very significant.'* He called on central government to take note of the good practice and progress being made on Low Emission Strategies and to provide stronger support and backing. He commented that key partners such as the RTPi, Planning Officers Society, DECC, Defra and CLG have it within their powers to support the major scale-up, which is required.

Steve discussed current national policy and also looked forward to various changes in the pipeline. He outlined key policies contained within PPS23 which enable use of low emission strategies for mitigation and offsetting of Environmental impacts of a development. He discussed the difference between planning conditions and obligations; and explained the approach taken at Greenwich during his time there with regards to compliance with circular 5/05 on use of planning obligations. Looking forwards the introduction of the community infrastructure levy (CIL) presents both opportunities and threats for the LES approach. It is important for authorities to engage with the implementation process and to make plans accordingly.

Steve reported that some developers may be using the current economic climate to challenge the use of LES measures on cost grounds. He urged authorities not to bow to this. In his view, it is unlikely that LES measures alone would be a determining factor on whether a developer wishes to proceed with a development. Indeed, the current lull provides an excellent opportunity for councils to ensure that they have a coherent and effective approach in place for when the green shoots do return.

LES opportunities for the future (Andrew Whittles, Cenex)

Andrew Whittles took the opportunity to look beyond spatial planning and to consider some wider opportunities for applying low emissions approaches. He emphasised the need for *'integrated thinking leading to concerted coordinated activity.'*

Euro-standards have served us well over recent years to drive down road traffic pollution. Low Emission strategies can help to accelerate the penetration of higher Euro-rated vehicles. However, given the pressing twin challenge of air quality and climate change, it is also important to look beyond a minimum standard mentality and to look towards encouraging early and mass adoption of some of the newer technologies now available. In particular electric, hybrid and bio-gas vehicles provide important near term 'win-win' potential, while hydrogen continues to offer hope for the future.

Public procurement in the UK amounts to billions of pounds every year. Accreditation schemes such as South Yorkshire's eco-stars programme could be used to encourage adoption of low emission fleets thorough the supply chain. Also where authorities are procuring vehicles directly national support programmes can help to soften the financial burden (e.g. low carbon vehicle programme and infrastructure grant programme).

There is potential for authorities to reach a critical mass, in procurement terms by working in partnerships, perhaps even establishing consortia. These could be geographically based (e.g. region/sub-region) or reflect shared circumstances/needs (e.g. core cities).

Partnership working could also be extended to the private sector. While traditional Low Emission Strategies have focussed on extracting contributions from developers, new thinking may point towards authorities and developers working more actively together to strengthen and compliment on-site delivery. Andrew also pointed to the increasing importance of other partnerships such as the LES Partnership, the London electric vehicle partnership and the emergence of bus and freight quality partnerships across the country.

In the past the bus operators grant (BSOG) has removed incentives for bus operators to clean up their fleets and make them more efficient. This regime is set to change and could open the door to a revolution in low emission public transport in the UK. At the same time wider adoption of differential parking charges for low and zero emission vehicles would help to drive clean up of passenger car fleets.

Andrew closed his presentation by emphasising that the low emission agenda presents significant economic opportunities. He suggested that *'the cities who implement these policies are the cities where eco-businesses will locate and thrive.'*

LES funding formula (Simon Newcombe, Mid-Devon)

Simon Newcombe from Mid-Devon described the approach they have taken in developing a funding formula for 106 agreements. This builds on work initiated in 2005 when the council decided to develop *'a robust policy on air quality and development control.'* They incorporated a requirement to draft new air quality policy and produce a Supplementary Planning Document (SPD) into the Crediton AQMA Action Plan (adopted 2006).

The core strategy was adopted in 2007, following examination by the planning inspector who noted: *'there is a serious air quality problem [...] 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.'* The subsequent SPD was adopted in May 2008. Simon explained that amongst other things it: *'Sets-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'*

In developing this formula, Mid-Devon looked for guidance and examples from elsewhere, but didn't find much they found helpful. Even where other authorities had produced a funding formula there was often little or no justification provided. His forward planners were uneasy about this, so they set about developing a more transparent and robust approach.

They have adopted a top down approach, which allocates a proportion of the cost of implementing their air quality action plan to total development in the area. Within this bubble, individual contributions are scaled to reflect the varying transport impacts of different development types. The allocation also takes viability factors into account. Mid-Devon believe that overall this provides a transparent and practical methodology.

The approach is intended to provide for up to 50% of the Crediton AQAP implementation costs (calculated in the range £2.6-5.1 million). Mid-Devon have recently secured a £2.1m contribution from tesco's and a further £75000 from other sources. They hope to apply the approach to other major developments outside of the Crediton AQMA. They are also working through the LES programme, exploring potential for up-front assessment at the site allocation stage, rather than waiting to bolt LES measures on afterwards via an AQAP.

Technology guidance for LAs (Andrew Whittles, Cenex)

The LES partnership is working with Cenex to develop a Vehicle Emissions Toolkit. This will support local authority decision making and help them to develop more effective low emission strategies. The kit will cover a range of fuel and technology options including hybrids, electric, gas/biogas and hydrogen. It will provide user-friendly information, which is easy to access and enables practical decision making. Funding bids are ongoing. Depending on their outcome, publication is anticipated for end 2009.

Deployment of low emission technology (Steve Simmons, Sheffield)

Steve Simmons talked about work to deploy low emission technologies in Sheffield. The Council has had an interest in this area since the 1990's when they trialled with electric berlingos vans. More recently, they have been working in partnership with Cenex running events, demonstrations and providing information to local fleet managers. They have an electric smart car operating within their own fleet. Partnership working with Meadowhall has led to installation of electric charging points at the major out of town retail site.

Steve sees great potential for biogas and is exploring opportunities for developing a regional approach, seeded by a recent LTP funding allocation. He also has money for a smaller local demonstration aimed at putting gas vehicles on the streets of Sheffield.

The council has a range of additional delivery mechanisms open to it including ramping up the council's green parking scheme and possible deployment of low/zero emission vehicles via the city's car club. The council is keen to realise economic benefits through technology initiatives and is working to support local firms such as Chesterfield biogas. Steve concluded that there is still a long way to go, but lots of exciting opportunities are emerging.

Options & progress in impact assessment (Gwyn Jones, AEAT)

Gwyn Jones described how the government is under pressure from Europe to eliminate pollution hotspots and to demonstrate an acceptable compliance plan. Their analysis indicates that significant local action is required to achieve this and so local authorities are coming under increased pressure from the centre. Consequently there is a growing need for an improved evidence base to help justify and drive through additional action. At the same time work on CO₂ is gathering momentum, but time scales are not well aligned and initiatives are not necessarily well integrated. It is not clear that we have adequate tools to facilitate this process.

Gwyn highlighted two important questions, which have yet to be answered: (i) Where does the balance of responsibility lie for both assessment and action between central and local government; and (ii) where stringent local action is required, how should this be funded?

In terms of impacts assessment, there has been some good progress including development of the LAA emission tool, alongside publication of new emission factors for conventional vehicles and for new technologies. The AQAP helpdesk is also compiling new case studies with an emphasis on quantitative impacts assessment. We are at the point where well established methods now exist, the key challenge is for authorities to start using them as a matter of course

Overall Gwyn suggested that we face a choice between a prescriptive plan based on central government analysis or a more localised approach driven by local analysis and action planning. To achieve the latter we require a set of appropriate and simple tools that estimate change in emissions and costs for a range of options and integrate air quality and CO₂ management. In developing these, a partnership approach makes sense rather than each authority having to reinvent the wheel.

Assessment of Benefits – LES project (John Paterson, Greenwich)

John Paterson opened with a call for LES to be made mandatory for all authorities. He believes this would be a major step forwards in realising the full potential of the approach. It would also allow the debate to move forwards to concentrate fully on the real issues around significance and assessing benefits

John built on Gwyn's analysis, bringing the focus to the planning sphere. In identifying a package of measures to mitigate the transport impacts of a development it is vital to be able to pick the best and most cost effective measures. In the past Greenwich applied a 'best we can get' approach, however increasingly there is a need to be able to justify proposals and provide greater transparency and a more robust assessment of benefits.

The LES Partnership is working towards a consortium project to develop best knowledge and decision making tools to support the implementation of low emission strategies. The group is looking to go to tender in June/July with report and wider dissemination in the second half of 2009.

Seminar Discussion

Each of the day's session included an opportunity for delegates to question the speakers and comment on their presentations. A number of important themes emerged from these discussions. These are summarised below in the form of Questions and Answers.

1. Can we afford Low Emission Strategies in the current economic climate?

Local authorities have a duty to ensure that developments avoid unacceptable impacts and help to enhance local sustainability and well being. This duty remains irrespective of the state of the economy. While Low Emission Strategies provide an essential tool for enhancing sustainability, it is unlikely that their requirements alone will be a determining factor for a developer in deciding whether to pursue a given development.

A more relevant question is the overall affordability of total conditions and obligations for a given site. This is an ongoing consideration for a planning authority, which must balance a range of competing concerns. If a site cannot be made acceptable without what is perceived as an excessive burden of conditions and obligations, then it would appear inappropriate for it to proceed.

It is also very important to be realistic. A slow down in development is inevitable during an economic downturn. Rolling back environmental standards will not change this. A more pragmatic response is for an authority to use the lull as a breathing space, to consolidate its low emissions approach and to put effective provision in place for when momentum returns.

2. The LES partnership advocates a techno-centric definition for low emission strategies. Why not include non-technical measures as well?

There is already a lot of emphasis on 'trip' reduction within transport and planning guidance. There is less emphasis on tackling the residual emissions left behind once you have reduced these trips as far as possible. We concentrate on technical solutions in order to provide local authorities with complimentary measures, which have greatest potential to tackle the residual emissions. An additional benefit is that this puts a price on residual emissions and so increases the incentive to avoid creating them in the first place.

3. The Greenwich formula applies a charge linked to floor space. Isn't this unfair since you are justifying the charge based on transport impacts?

Good linkage between the standard charge and the level of transport emissions is very important. This can be achieved in a variety of ways. A balance may be needed between how direct the linkage is and how easily the chosen indicator can be measured. The Greenwich formula provides a practical transparent approach with reasonable linkage between indicator (floor space) and emission levels. Our guidance also considers alternative approaches, for example linking charges to trip generating potential or the damage costs of emissions. This is work in progress and we hope to provide new case studies soon.

4. By applying a charge on developers based on the emissions associated with their development are you not simply allowing them to pay to pollute?

The difference between 'paying to pollute' and applying the 'polluter pays' principle is a fine line. It is determined more by the way a charge is applied than by the nature of the charge itself. We believe that a charge is fair and appropriate providing it has (i) good and reliable linkage to the impacts for which it is charged, (ii) is proportionate to the target impacts and (iii) is applied flexibly to encourage good development and avoid perverse incentives. Once received the contributions must also be deployed in a cost effective and targeted manner. We are working to establish good case studies to help authorities navigate these issues with confidence.

5. What Low Emission measure will have the largest impact in reducing emissions between now and 2015?

This is a difficult question to answer since the impact of a measure is determined as much by the intensity by which it is deployed as by the nature of its action. The LES partnership is working on an assessment tool to help authorities better understand the costs and benefits of potential Low Emission Measures. In the context of meeting Air Quality Objectives, the best measures are driven by a good understanding of local source apportionment.

6. How important are Low Emission Strategies? How can we maximise their impact?

We believe that Low Emission Strategies have great potential. We are working to quantify these benefits more robustly. A key barrier is that maximum benefits will only be realised if the approach is adopted as normal practice by all authorities across the country. We are seeing an encouraging increase in adoption of the approach. However much more is possible. Some of this can come from local and regional initiatives. However central government and national organisations also have a vital role in supporting adoption and delivery.