



TECHNICAL REPORT

Unlocking local action on clean air

ABOUT THE AUTHORS

Louise Marix Evans is Director at Quantum Strategy & Technology Ltd.

Dr Maya Singer-Hobbs is a senior research fellow at IPPR.

Stephen Frost is a principal research fellow at IPPR.

ABOUT THIS PAPER

The purpose of this paper is to provide technical detail to the main report, Unlocking local action on air quality.

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Research for this report included document reviews, Local Government Information Unit (LGIU) Inform's Duties and Powers database, UK100 Powers in Place: The handbook of local authority net zero powers 2023, and interviews with local authority officers, councillors and experts in the air quality sector. A series of workshops and deliberative sessions was held with officers, councillors and members of the public.

Disclaimer: The author(s) is not a lawyer, and nothing in this report constitutes legal advice.

1. National Air Quality Legislation

Air Quality Legislation and Regulations

The main legislation relating specifically to clean air is listed below. This legislation places duties on the government, namely the Secretary of State (for Defra), on local authorities and other bodies such as the Environment Agency and National Highways.

- **Environment Act 2021** (*updates/strengthens aspects of the Clean Air Act 1993 and Environment Act 1995 and Environmental Protection Act 1990; it also establishes the Office for Environmental Protection which monitors and advises government on environmental performance*)
- **Clean Air Act 1993** (*consolidates Clean Air Acts from 1956 and 1968 and aims to limit ill-effects of smoke, grit and air pollution with an emphasis on smoke from chimneys*)
- **Environment Act 1995** (*sets out duties on local authorities to monitor, report and address air quality and provides the Local Air Quality Management process*)
- **Control of Pollution Act 1974** (*relates to construction works and local authority notices to minimise noise and nuisance*)
- **Pollution Prevention and Control Act 1999** (*in which the Secretary of State regulates industrial and commercial pollution*)
- **Environmental Protection Act 1990** (*controls pollution from industry, covers waste, contaminated land but also some air pollution, particularly Statutory Nuisance - emission of smoke, fumes, gasses, and dust that are prejudicial to health*)

There are also a set of associated regulations:

- **Air Quality Standards Regulations (2010)**, which implemented the EU's Ambient Air Quality Directive (2008/50/EC). *This outlines how zones/agglomerations are mapped, it outlines monitoring locations, densities and methods, sets legally binding limits for national concentrations, and details what Air Quality Plans should contain. It requires the Secretary of State to draw up plans where there are exceedances of limit thresholds of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM₁₀ and PM₅ and to draw up short term plans for exceedances of alert thresholds of sulphur dioxide and nitrogen dioxide. These regulations seek to control human exposure to pollutants in outdoor air to protect human health and the environment by requiring concentrations to be within specified limit values.*
- **Air Quality (England) Regulations 2000** ("the 2000 Regulations"), as amended by the Air Quality (England) (Amendment) Regulations 2022. *These outline air quality objectives at key sites - outside buildings and where people are present, the pollutants, limits and reporting for local authorities as provided for in the Environment Act 1995. The 2022 Amendment designates National Highways as a*

relevant public authority for the purposes of Part IV (Air Quality) of the Environment Act 1995 (i.e. it has to have regard to the National Air Quality Strategy).

- **Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020** (SI 2020/1095). *These place restrictions on the sale of wet wood for domestic burning and phase-out of bituminous coal plus limits on sulphur and smoke emissions from manufactured solid fuels.*
- Clean Air (Miscellaneous Provisions) (England) Regulations 2014/3318
- **Smoke Control Areas (Authorised Fuels) (England) (No. 2) Regulations 2014/2366**, **Smoke Control Areas (Exempted Fireplaces) (Wales) Order 2015/15132** and **Smoke Control Areas (Exempted Fireplaces) (England) Order 2015/307**
- Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007/175 and Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) (Wales) Regulations 2008/663
- **The Environmental Permitting (England and Wales) Regulations 2016** *These cover mainly industrial activities, installations and mobile plant, landfill and waste emissions, solvents, emissions, local authority role as regulator and enforcement.*

National roles on Air Quality

The Department for Environment, Food & Rural Affairs (Defra) leads on air quality and pollution and the Secretary of State has legal duties to set plans and targets, report and plan to improve air quality and limit pollution. Under the Environment Act 1995 the Secretary of State must produce an Air Quality Strategy. Additionally, the Department for Transport (DfT), the Department for Energy Security & Net Zero (DESNZ) and the Department for Levelling Up Housing & Communities (DLUHC) and the Department for Health and Social Care all have responsibilities with powerful levers to deliver clean air and improve air quality, and their policies and funding streams can support, or counter progress to unlocking action on clean air.

Air Quality in the Devolved Administrations

Air Quality is a reserved matter for Northern Ireland which follows the same approach as that for England, and the Office for Environmental Protection (OEP) covers Northern Ireland in its remit. DAERA¹ is preparing a Clean Air Strategy for Northern Ireland. The country has smoke control areas and conducts Environmental Permitting.

Air quality is a devolved matter for Wales and Scotland. The OEP does not cover Scotland or Wales. However, the legislation covering air quality is very similar for Wales and Scotland. There are Local Air Quality Management regimes, smoke control areas and environmental permitting. The strengthening the Environment Act 2021 has had on local air quality management is not yet in place in Wales and Scotland which each have their own plans in place to alter this. Each country reports different sets of pollutants, reflecting the priorities in their countries. The governments/administrations cooperate on the UK wide air quality monitoring network and UK Pollution Climate Mapping Models.

Wales has a Clean Air Plan for Wales 2020 and a Clean Air (Wales) Bill White Paper 2022 that includes for example, zero emissions fleet of taxis by 2028, and will make smoke

¹ Department of Agriculture, Environment and Rural Affairs

control areas easier to enforce. It also has an Environment (Air Quality and Soundscapes) (Wales) Bill that includes a PM2.5 target. From 17 September 2023 the national speed limit became 20mph. Its Clean Air Zone Framework was delayed during the Covid-19 pandemic and the administration is now looking at a Road User Charging policy. The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 target a reduction of ammonia by 16 per cent and it has delayed a consultation on fertiliser reduction. Wales' Wellbeing of Future Generations Act 2015 has air quality as an indicator covering NO₂, PM₁₀ and PM_{2.5}.

Scotland's Cleaner Air for Scotland Strategy 2 to 2026 states that it must lay out an improvement plan to the Scottish Parliament. It has received expert advice on more robust action on local air quality management, targets and monitoring and a ministerial group on air quality has been established. Scotland has already set out a target to reduce car use by 20 per cent by 2030. Part 2 of the Transport (Scotland) Act 2019 provided new powers on local authorities for the creation, and civil enforcement, of Low Emission Zones (LEZs) which are being introduced into four cities.

TABLE 1.1. LOCAL AIR QUALITY MANAGEMENT POLLUTANTS THAT EACH DEVOLVED ADMINISTRATION AND ENGLAND MEASURE AND REPORT ON

	England	Northern Ireland	Wales	Scotland
Environment Act 1995 Part IV	Reported: NO ₂ , SO ₂ , PM ₁₀	Reported: NO ₂ , SO ₂ , PM ₁₀ , Lead, CO, Benzene, 1,3-Butadiene	Reported: NO ₂ and PM ₁₀	Reported: NO ₂ , SO ₂ , PM ₁₀ , Lead, CO, Benzene, 1,3-Butadiene
Local Air Quality Management	Measured but not reported: Lead, CO, Benzene, 1,3-Butadiene			

2. Putting legislation into practice – national strategies and plans

Under the environment and clean air laws, the government is required to develop various strategies and plans. These plans or strategies set out the targets and expectations for government and local authorities. Each of these is outlined in more detail below in terms of how they influence or shape actual action to reduce pollution. Several agencies, funding schemes and published guidance are in place to support delivery, these are detailed later in this section.

- **Environment Act 2021:** the Secretary of State must set long-term targets for air quality every five years (and also for water, biodiversity, resource efficiency & waste reduction); these must set the standard to be achieved that can be objectively measured with a target date; in addition the Secretary of State must regulate to set a target for the annual mean level of PM_{2.5} in ambient air. These are in the Environmental Improvement Plan 2023 (Defra 2023a).
- **Environment Act 1995:** the government must have an Air Quality Strategy. The 2019 Clean Air Strategy was updated in April 2023 as the Air quality strategy: framework for local authority delivery; this lists 32 actions for local authorities. Local authorities (and air quality partners) must 'have regard to the strategy'.
- **National Emission Ceilings Regulations 2018:** the Secretary of State must prepare and implement a National Air Pollution Control Programme² (Defra 2023b).

Environmental Improvement Plan 2023

The Environmental Improvement Plan (EIP) results from the Environment Act 2021 and amongst other goals for nature, waste and water are the goal, targets and actions for clean air. The EIP sets out new targets for PM_{2.5} as follows:

- A legal target to reduce population exposure to PM_{2.5} by 35 per cent in 2040 compared to 2018 levels, with a new interim target to reduce by 22 per cent by the end of January 2028
- A legal target to require a maximum annual mean concentration of 10 micrograms of PM_{2.5} per cubic metre (µg/m³) by 2040, with a new interim target of 12 µg/m³ by the end of January 2028. Note that WHO target for PM_{2.5} is just 5 micrograms per cubic metre by 2030.

The government states that the concentration target will be hardest to meet in the South East, since it experiences the greatest amount of pollution blown in from other countries, and in London and other urban areas as these are where the greatest amounts of UK

² Note that these requirements are being cut under the Retained EU Law Act.

pollution is produced (Defra 2023a). Despite this, many of London's authorities have set their ambitions for air quality at the lower WHO limits.

The plan outlines the legal **concentration limits** for a number of other key pollutants. The UK already meets the majority of these limits including for sulphur dioxide and coarse particulate matter. It states that government is working towards meeting compliance with a 40µg/m³ limit for nitrogen dioxide [note the WHO limit of 10µg/m³].

The EIP lists legal emission reduction targets for five damaging pollutants by 2030 relative to 2005 levels:

- Reduce emissions of nitrogen oxides by 73 per cent.
- Reduce emissions of sulphur dioxide by 88 per cent.
- Reduce emission of PM2.5 by 46 per cent.
- Reduce emissions of ammonia by 16 per cent.
- Reduce emissions of non-methane volatile organic compounds by 39 per cent.

The EIP lists the actions that government will take to deliver the targets which include many that are relevant to supporting, holding to account, or enabling local authorities to act on clean air, including:

- Reduce the maximum emissions on appliances in Smoke Control Areas (stoves/fireplaces).
- Challenge local authorities to improve air quality more quickly by assessing their performance and use of existing powers, while supporting them with clear guidance, funding, and tools.
- Facilitate the rollout of further Clean Air Zones by local councils in areas which are in breach of air quality statutory limits, with further zones and other non-clean air zone measures as required.
- Re-align regional air quality zones in line with local government boundaries to drive effective coordinated action.
- Reduce ammonia emissions in farming incentives and 'consider' extending environmental permitting to beef and dairy farming (such permitting would be carried out by the Environment Agency).
- Continue to support move away from petrol and diesel cars.
- And consult on an extension to the existing North Sea Emission Control Area to cover the Irish Sea, reducing emissions from shipping.

There is a strong narrative about local authorities - *“driving effective local action through local authorities. They have the legal responsibility and powers to deliver clean air in their*

areas and so have the greatest power to support the achievement of the population exposure targets.”

Air Quality Strategy Framework for Local Authority Delivery (2023)

This is the strategic framework for local authorities and other partners. It sets out their powers, responsibilities, and 32 further actions the government expects them to take. All local authorities, including upper tier authorities must have regard to this document, as must National Highways. It clarifies that local authorities are expected to take preventative action through an Air Quality Strategy rather than acting only when limits have been exceeded. This is a useful, though somewhat controversial strategy because it was published for consultation with only 10 days available for local authorities to respond and because it is short on detail.

Defra outlines its priorities and commitment to give greater support to local authorities to act including:

- Planning reforms helping to deliver on air quality.
- Building capacity in local councils through training, guidance and knowledge sharing.
- Reducing emissions from industrial sources through improved enforcement of environmental permits.
- Reducing pollution from domestic burning through smoke control areas and cleaner fuels.
- Raising awareness within local communities of air quality impacts and how to reduce them.
- Boosting active travel and public transport to improve air quality.
- The priority pollutants are fine particulate matter, nitrogen oxides and ammonia which have most of the impact. While non-methane volatile organic compounds which are found in many household products and can impact on indoor air quality.

The Local Air Quality Management regime does not include PM2.5 and there is not currently a duty on local authorities to reduce PM2.5 emissions and concentrations, as it is a regional pollutant that can travel long distances. However, local authorities are expected to act to reduce PM2.5 to reduce national levels. The strategy states that most local authorities have not taken sufficient action to tackle PM2.5 pollution. If there is insufficient action, Defra will consider introducing a new duty on local authorities to address PM2.5 pollution.

Local authorities have a duty to publish air quality information regularly and transparently. However, the strategy says this is often *“hard to read, buried deep on council websites, years out of date, or is simply missing.”* The government is realigning air quality reporting zones with local authority boundaries so that data is easier to access and present. This change is sensible and is welcomed by local authorities.

The strategy shows a willingness to take action to unlock barriers faced by local authorities: *“As set out in our Environmental Improvement Plan, Defra will audit local authority action on air quality, including the powers available and any barriers to delivery. We will carry out this audit collaboratively with local authorities, expert bodies, and the wider public. We want to ensure that local authorities, who are well-placed to decide how to clean up their air, have the necessary tools at their disposal and examine the reasons for why these are not being used to improve air quality in poorly performing areas.”*

The National Air Pollution Control Programme

The National Emission Ceilings Regulations 2018 implement the EU 2016 Directive and require the Secretary of State to prepare an inventory and projections of pollutant emissions occurring within the United Kingdom (HM Government 2018). The Secretary of State is responsible for ensuring there is not an excess of the overall ceilings set across key time periods. The current reduction commitments apply from 2020 to 2029, with stricter commitments from 2030 onwards. This is set out in the **National Air Pollution Control Programme**.

This covers the main pollutants: SO₂, NO_x, NMVOC, NH₃ (Ammonia), CO and heavy metals, persistent organic pollutants and particulate matter including PM₁₀ and PM_{2.5}.

In February 2023 the government said: *“The UK has met the current domestic and international emission reduction commitments for emissions of nitrogen oxides, sulphur dioxide and non-methane volatile organic compounds. The UK has met the emission reduction commitments for ammonia with the inclusion of an approved adjustment. However, in 2021, the UK has not met the current (2020-2029) emission reduction commitments for fine particulate matter (PM_{2.5}). The UK does not have emission reduction commitments for PM₁₀.”*

The “approved adjustment” is due to UK ammonia emissions exceeding the National Emission Ceilings Regulations in 2020. Rather than using this to galvanise action in the sector to reduce emissions, Defra applied for an adjustment to the figures, which means the new limits were met, but does not reduce the ammonia pollution levels. The rationale was that emissions from non-manure digestates were not known at the time the reduction commitments were agreed (Defra 2023b). The emissions associated from these sources are not accounted in the national total for the country.

The government missed its 2020 Emission Reduction Commitment for PM_{2.5} in 2021 by 3.5 per cent and is due to exceed the ceilings for all but one of the pollutants (NMVOCs) for the 2030 Emission Reduction Commitments (Ingledew et al 2023).

However, this set of rigorous regulations and related monitoring, modelling and reporting is listed among the EU laws that are due to be retired in December 2023 under The Retained EU Law (REUL) (Revocation and Reform) Act 2023. This is justified for removal because *“the current format of the NAPCP is long, complicated, resource intensive and duplicative, and does nothing to improve the quality of the air we breathe. By repealing this item, we can better focus on what will actually help clean up our air, such as by delivering on the ambitious air quality targets we have set in statute through the Environmental Act.”* There are concerns that the accountability and transparency provided by the Regulations will be lost since the Environment Improvement Plan does not oblige

government to produce a plan to show how emissions ceilings on these five pollutants will be met.

Enabling Agencies to support action on Air Quality

Various national agencies hold powers or influence relating to air quality, such as the Environment Agency, National Highways and Public Health England. Additionally, offices and agencies have been established to support delivery, such as Active England (the executive agency responsible for making active travel the preferred choice), Office for Zero Emissions Vehicles (part of DfT and DESNZ to support the transition to zero emission vehicles, reduce air pollution and carbon emissions) and, specifically for air quality, the Joint Air Quality Unit (JAQU) (a Defra and DfT venture to deliver the Government's NO₂ reduction strategies). This is set to be dissolved in 2028.

3. Local Authority ‘Primary’ Duties and Powers for Clean Air

There are three sets of primary air quality duties and powers. These are explained below and are: Local Air Quality Management, Smoke Control and Environmental Permitting.

TABLE 1. LOCAL AUTHORITY DUTIES AND THE POWERS AVAILABLE TO THEM TO IMPROVE AIR QUALITY

	Local air quality management	Smoke control	Environmental permitting
Primary duties and powers	Monitoring and assessment, if in exceedance, declare an Air Quality Management Area	Enforcement of smoke control areas	Duty to publish a register of all the permitted installations in the local area
	Develop and implement an air quality management plan	Enforcing trading standards and correct fuel sales Enforcement of Statutory Nuisance	Inspections and enforcement (of specific installations)
Secondary duties and powers	Transport and highways	Communication of smoke control areas	
	Local planning		
	Green infrastructure		

Local Air Quality Management

Legislation	District Councils, Unitary Councils	County Councils, Neighbouring councils, Combined Authorities & National Highways
<p>Part IV of the Environment Act 1995 as amended by the Environment Act 2021.</p> <p>Objectives set out in the Air Quality (England) Regulations 2000, as amended in the Air Quality (England) Regulations 2002.</p>	<p>Local Air Quality Management</p> <p>Must review and assess air quality in their areas.</p> <p>If air quality does not meet the national objectives they must declare an Air Quality Management Area within 12 months.</p> <p>Within 18 months of that, must produce an Air Quality Action Plan with measures they will take to meet the objectives, and dates by which these will be implemented.</p> <p>Annually must submit monitoring data and an Annual Status Report to Defra.</p> <p>Must 'have regard' to the national Air Quality Strategy when carrying out their functions.</p> <p>If Air Quality meets national objective, can produce an Air Quality Strategy to ensure continued improvement of air quality.</p>	<p>Air Quality Partners</p> <p>If named as an 'Air Quality Partner' by a local authority making an Air Quality Management Plan these authorities must propose actions they will carry out to meet the objectives, and they have to deliver these.</p>
	<p>32 London boroughs and the City of London</p>	<p>GLA / London Mayor</p>
<p>Part IV of the Environment Act 1995 (amended by the Environment Act 2021)</p>	<p>See above for the process of monitoring and acting on Air Quality Management Areas.</p> <p>Must have regard to the air quality provisions in the London Environment Strategy regarding their LAQM functions and report through the London LAQM System.</p>	<p>Has delegated powers. Issues Local Air Quality Management Guidance (London Air Quality Management Framework). The Mayor has a legal responsibility to prepare and to keep under review an Air Quality Strategy for the Greater London area.</p>

Smoke Control

Legislation	District councils & Unitary councils	County Councils	Notes
Clean Air Act 1993	<p>Duty to declare smoke control areas if they are directed by the Minister</p> <p>Power to declare smoke control areas</p> <p>Powers to enforce (fine of up to £300 for emitting smoke)</p> <p>Approval of chimney height for furnaces above certain sizes.</p>		It is an offence under the Act to emit dark smoke from chimneys, grit and dust from furnaces and smoke from domestic chimneys within smoke control areas
The Environmental Protection Act 1990 as amended by the Environment Act 2021	<p>Duty to periodically inspect their area to detect any statutory nuisances, and if they receive complaints, they must investigate them.</p>		Smoke from a home in a smoke control area can be classified as a Statutory Nuisance
Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020	<p>Enforcement powers</p> <p>Fine of up to £1,000 for burning non-approved fuel in a non-approved appliance</p>	Trading Standards enforcement powers	Standards for fuels that can be sold and burnt in smoke control areas

Environmental Permitting

Legislation	District councils & Unitary councils	Notes
<p>Pollution Prevention and Control Act 1999</p> <p>Environmental Permitting (England and Wales) Regulations 2016 (EP Regulations)</p>	<p>Duty to publish a register of all the permitted installations in the local area.</p> <p>Regulate emissions to the atmosphere from Part A (2) installations and Part B installations.</p> <p>Fees are set nationally.</p> <p>Best Available Technologies (BAT) are set nationally.</p>	<p>Integrated Pollution Prevention and Control (IPPC) - known as Part A(2) installations - covers emissions to air, water and land for larger and certain sectors of industry including refining gas, metalworks, specific types of manufacturing and incineration.</p> <p>Local Authority Pollution Prevention and Control (LAPPC) - known as Part B installations and Part B mobile plant - regulate emissions to air and include dry cleaners, bulk cement, petrol filling stations as well as small incineration plants and some types of energy generation plant.</p>

Data collection and monitoring

Monitoring of air pollution falls into two categories; total overall emissions, and concentrations of emissions. Total overall emissions are the responsibility of the government and are regulated under the National Emission Ceiling Regulations 2018 (EU 2016 Directive). These emissions apply across the whole of the UK, and are a cumulative total of emissions, the Secretary of State is required to publish the National Air Pollution Control Programme Report. They are calculated using modelling and data from a range of sources. However, these regulations are due to be removed under the Retained EU Law Revocation and Reform Act 2023, in December 2023. Local authorities do not have a responsibility to consider national emissions ceilings, but the actions they take play a part in reducing these emissions.

Concentrations of emissions are calculated, monitored and recorded under two systems; the EU Air Quality Directive, which is managed by Defra, and the Local Air Quality Management (LAQM) system, where data is input by local authorities. The two systems have different monitoring and assessment criteria, sometimes leading to a mismatch in the status of the area.

The Air Quality Directive is carried out at a national level, and assessment mainly relies on modelling. The national Pollution Climate Mapping (PCM) model produces an output that includes motorways and A roads to give a high-level overview of air quality nationally. The model is cross-checked using a small number of monitoring stations across the UK, which must meet a series of requirements, such as specific distances from various roads. The PCM model uses data collected through national monitoring networks. It is this model that is used to make decisions about whether areas should be referred to JAQU due to excessive breaches in pollutant levels.

Local Air Quality Management (LAQM) relies on monitoring data, and is supplemented by modelling, rather than the other way around. Local authorities assess their areas to identify local hotspots³, and the location of the monitoring stations is more flexible than under the Air Quality Directive. This can lead to local authorities identifying an AQMA that does not qualify as being in breach of the Directive. Those with an AQMA must submit an Annual Status Report (ASR) to Defra, and must also upload their NO₂ data to the LAQM portal⁴. Local authorities with an AQMA must submit an annual status report (ASR) to Defra each year. They must also upload data on NO₂ to the LAQM Portal⁵.

³ LAQM is specifically interested in pollution hotspots with relevant population exposure.

⁴ Submission of NO₂ diffusion tube data to the Diffusion Tube Data Entry System (DTDES) is a new requirement on local authorities.

⁵ This data is input to a "Diffusion Tube Data Entry System (DTDES) and should be completed once all monitoring data for the year has been processed.

4. Local Authority ‘Secondary’ Powers and levers for Clean Air

Secondary duties, powers and functions for clean air are outlined below. These cover Transport and Highways, Planning and other functions.

Table 2. Functions for different types of local authorities relevant to air quality

Function/LA type	District Council	Unitary Council	County Council	Combined Authority ¹⁶
Environmental Protection (Environmental Health)				Some deliver an Air Quality collective role
Transport	(car parks)			
Highways				
Planning				
Housing				
Spatial Planning				
Trading Standards				
Licencing				Some set taxi standards
Public Health				Some convene public health directors
Education				

Transport & Highways

Note that the GLA and London councils have greater powers relating to transport and highways, such as enforcing against pavement parking, moving traffic offences and overall combined control over the public transport system.

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
Transport Act 2000 And 2008		Must produce Local Transport Plans with policies for the “ <i>promotion and encouragement of safe, integrated, efficient and economic transport</i> ”. Road user charging – used for CAZ and LEZ	Must produce Local Transport Plans with policies for the “ <i>promotion and encouragement of safe, integrated, efficient and economic transport</i> ”. Road user charging – used for CAZ and LEZ	CAZ responsibilities e.g. GMCA but needs Highways Authorities (ie unitary councils/counties) to enable charging.
Greater London Authority Act 1999 Greater London (Central Zone) Congestion Charging Order 2004.				Mayor of London has powers to introduce road user charging across all Greater London or some parts of it.

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
The Road Traffic Regulation Act 1984 Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996		Powers to restrict traffic in certain areas and streets including weight restrictions and at certain times for example, outside schools in School Streets and Low Traffic Neighbourhoods <i>Road Traffic Regulation Act 1984, S16 can be used to ask Secretary of State to approve multiple School Streets on multiple dates.</i> ⁶ Allocation of road space for EV chargers Powers to charge for parking on the highway	Powers to restrict traffic in certain areas and streets including weight restrictions and at certain times for example, outside schools in School Streets and Low Traffic Neighbourhoods <i>Road Traffic Regulation Act 1984, S16 can be used to ask Secretary of State to approve multiple School Streets on multiple dates</i> Allocation of road space for EV chargers Powers to charge for parking on the highway	
Road Traffic Regulation Act 1967 Powers		Powers to introduce speed limits e.g. 20mph	Powers to introduce speed limits e.g. 20mph	
Highways Act 1980		Powers to make improvements to the highway for example reallocate space for walking and cycling through Traffic Regulation Orders (TROs) and Experimental TROs.	Powers to make improvements to the highway for example reallocate space for walking and cycling Powers to plant trees and hedges to absorb some	

⁶ There are three sets of legislation local authorities have been using for School Streets; this is the DfT's preferred approach. The Road Traffic Regulation Act 1984 Section 29 Power to prohibit traffic on roads to be used as playgrounds is the law designed to enable play streets but must be advertised, which adds extra expense so LAs have been using alternatives.

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
		Powers to plant trees and hedges to absorb some pollutants and capture particulates on their leaves	pollutants and capture particulates on their leaves	
Cycle Tracks Act 1984		Powers to convert or widen footpaths, footways or bridleways to make cycle tracks ⁷	Powers to convert or widen footpaths, footways or bridleways to make cycle tracks	
Town and Country Planning Act 1990 Highways Act 1980		If there is no suitable public space within the highway boundary, then the adjacent land (i.e. not existing highway land) could be used. The land must be acquired from the owner (by Compulsory Purchase Order or dedication) to enable use by pedestrians and cyclists	If there is no suitable public space within the highway boundary, then the adjacent land (i.e. not existing highway land) could be used. The land must be acquired from the owner (by Compulsory Purchase Order or dedication) to enable use by pedestrians and cyclists	
Civil Enforcement of Parking Contraventions (England) General Regulations 2007		Powers to enforce parking regulations , including in EV charging bays, bus stops and cycle lanes <i>Note charges are set nationally</i>	Powers to enforce parking regulations , including in EV charging bays, bus stops and cycle lanes <i>Note charges are set nationally</i>	

⁷ Department for Transport provides a full explanation of powers and procedures for creating cycling routes in the Cycle Infrastructure Design note (DfT 2020)

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
Traffic Management Act 2004 The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022		Can apply to enforce moving traffic violations to stop parking and driving in cycle or bus lanes and to use cameras for enforcement	Can apply to enforce moving traffic violations to stop parking and driving in cycle or bus lanes and to use cameras for enforcement	
Road Traffic (Vehicle Emissions) Regulations 2002		Penalties for vehicles left idling	Penalties for vehicles left idling	
Workplace Parking Levy 2009		Powers to charge for workplace parking	Powers to charge for workplace parking	
Local Government (Miscellaneous Provisions) Act 1976 Section 48	Must licence private hire vehicles and Hackney Cabs and this can include setting emissions standards or maximum age of vehicles.		Must licence private hire vehicles and Hackney Cabs and this can include setting emissions standards or maximum age of vehicles.	
The Transport Act 1985 (deregulated buses outside London) The Bus Services Act 2017		Potential to franchise bus services or to develop Bus Service Enhancement Plans to access funding and to form Enhanced Partnerships with bus service providers and	Potential to franchise bus services or to develop Bus Service Enhancement Plans to access funding and to form Enhanced Partnerships with bus service providers and	Potential to franchise bus services or to develop Bus Service Enhancement Plans to access funding and to form Enhanced Partnerships with bus service providers and

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
		specify timetables and multi-operator ticketing	specify timetables and multi-operator ticketing	specify timetables and multi-operator ticketing Integrated Transport Authorities can introduce integrated and smart ticketing across transport modes. CAs have negotiated different devolution deals including those relating to transport.
Section 15 of the Greater London Council (General Powers) Act 1974 Parking and the Transport (Scotland) Act 2019 ⁸ .		Pavement parking is discouraged in the Highway Code but not banned. Local authorities in England (outside London) can enforce against pavement parking where: vehicles are parked in contravention of existing waiting restrictions (for example yellow lines, which also apply to the verge and the pavement) a designated prohibition has been implemented through a TRO and prescribed, or authorised, traffic signs and bay markings; or		London – prohibition on pavement parking Scotland has a framework to ban pavement parking.

⁸ Parking and the Transport (Scotland) Act 2019 | Transport Scotland

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
		the vehicle parked is a 'heavy commercial vehicle' with an operating weight of over 7.5 tonnes		
Public Services (Social Value) Act 2013	See right, this applies to district councils procuring fleet, services etc.	Local authorities must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area	Local authorities must consider how what is proposed to be procured might improve the economic, social and environmental well-being of the relevant area	As for Unitary Councils
The Equality Act 2010		Duty on public sector authorities to comply with the Public Sector Equality Duty. This includes making reasonable adjustments to the existing built environment to ensure the design of new infrastructure is accessible to all ⁹ .	Duty on public sector authorities to comply with the Public Sector Equality Duty. This includes making reasonable adjustments to the existing built environment to ensure the design of new infrastructure is accessible to all	

⁹ Transport for London has found that 15 per cent of disabled Londoners sometimes use a cycle to get around, which is only slightly less than for non-disabled Londoners (18 per cent). This highlights the importance of cycling infrastructure being accessible to a range of cycles used by people with children and disabled people (DfT 2020).

Planning and Air Quality – duties and powers

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
<p>National Planning Policy Framework Para 186 on air quality</p>	<p>Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.</p> <p>Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.</p>		<p>Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.</p> <p>Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.</p>	

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
National Planning Policy Framework Section 9 paragraphs 104 - 106	<p>Sustainable transport – transport should be considered from earliest stages of plan-making and development proposals for several reasons summarised here, impact on existing transport networks; maximising opportunities from existing or planned infrastructure and technologies; maximising opportunities for walking, cycling & public transport and assessing and addressing environmental impacts.</p> <p>Within larger sites, planning policies should minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.</p> <p>Planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).</p>		<p>Sustainable transport – transport should be considered from earliest stages of plan-making and development proposals for several reasons summarised here, impact on existing transport networks; maximising opportunities from existing or planned infrastructure and technologies; maximising opportunities for walking, cycling & public transport and assessing and addressing environmental impacts.</p> <p>Within larger sites, planning policies should minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities.</p> <p>Planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).</p>	Role in spatial planning for Combined Authorities
National Planning Policy Framework Section 9 paragraphs 104 - 106	Planning Policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.		Planning Policies should be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.	
National Planning Policy Guidance	Must assess the impact of a development on air quality and for larger developments, or those in areas		Must assess the impact of a development on air quality and for larger developments, or those in areas with	

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
	<p>with Local Air Quality Management Areas, use a prescribed approach to assessment. When impacts are unacceptable, even with mitigations put in place, planning permission can be refused or further amended with conditions or planning obligations.</p> <p>This includes cumulative developments.</p>		<p>Local Air Quality Management Areas, use a prescribed approach to assessment. When impacts are unacceptable, even with mitigations put in place, planning permission can be refused or further amended with conditions or planning obligations.</p> <p>This includes cumulative developments.</p>	
<p>Town and Country Planning Act 1947, Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, Localism Act 2011, Neighbourhood Planning Act 2017</p>	<p>Must prepare Local Plans.</p> <p><i>Local Plans should be developed with regard to key strategies such as any Low Emissions Strategy, Regional or area-wide strategies to reduce emissions and improve air quality, Joint Needs Strategic Assessment.</i></p> <p>Local plans must a Core Strategy, Development Plan Policies, Site Specific Proposals, Area Action Plans and Supplementary Planning Documents (SPDs).</p>		<p>Must prepare Local Plans.</p> <p><i>Local Plans should be developed with regard to key strategies such as any Low Emissions Strategy, Regional or area-wide strategies to reduce emissions and improve air quality, Joint Needs Strategic Assessment</i></p> <p>Local plans must a Core Strategy, Development Plan Policies, Site Specific Proposals, Area Action Plans and Supplementary Planning Documents (SPDs).</p>	
<p>Planning and Energy Act 2008</p>	<p>Local planning authorities can set energy standards above building regulations and require on-site renewables for new developments.</p>		<p>Local planning authorities can set energy standards above building regulations and require on-site renewables for new developments.</p>	
<p>Town and Country Planning Act 1990, Planning Act 2008</p>	<p>Power to impose planning conditions.</p>		<p>Power to impose planning conditions.</p>	

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
	Introduced s.106 agreements and the CIL to provide developer contributions to supporting infrastructure.		Introduced s.106 agreements and the CIL to provide developer contributions to supporting infrastructure.	
Town and Country Planning (Development Management Procedure) Order (England) 2010	<p>Defines 'major developments' which would normally trigger an air quality assessment and transport assessment – these are developments where:</p> <ul style="list-style-type: none"> • The number of dwellings is 10 or above • The residential development is carried out on a site of more than 0.5ha where the number of dwellings is unknown • The provision of more than 1000 m2 commercial floorspace • Development carried out on land of 1ha or more 		<p>Defines 'major developments' which would normally trigger an air quality assessment and transport assessment – these are developments where:</p> <ul style="list-style-type: none"> • The number of dwellings is 10 or above • The residential development is carried out on a site of more than 0.5ha where the number of dwellings is unknown • The provision of more than 1000 m2 commercial floorspace • Development carried out on land of 1ha or more 	
The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999	Some developments air quality assessments will be carried out under an Environmental Impact Assessment – including for those affecting designated wildlife or habitat sites.		Some developments air quality assessments will be carried out under an Environmental Impact Assessment – including for those affecting designated wildlife or habitat sites.	

Other powers: Building Control, Housing Inspections, Trading Standards and Public Health

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
Building Act 1984 The Building Regulations 2010 and (Amendment) Regulations 2021	Building Control functions relating to ventilation, energy performance of new buildings and changes to existing buildings, and contractor compliance schemes.		Building Control functions relating to ventilation, energy performance of new buildings and changes to existing buildings, and contractor compliance schemes.	
Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015	Minimum Energy Efficiency Standards (MEES) for rented properties. Housing officers may apply these at district councils.	Minimum Energy Efficiency Standards (MEES) for rented properties. Trading Standards officers may apply these at counties.	Minimum Energy Efficiency Standards (MEES) for rented properties.	
Housing Act 2004 Homes (Fitness for Human Habitation) Act 2018	Housing Health and Safety Rating System (HHSRS) - local authorities keep under review the conditions of residential buildings in their area and take action where hazards are identified. Local authorities have a duty to take enforcement action on category 1 hazards and a power to take enforcement action on category 2 hazards. Supporting legislation setting standards for landlords and		Housing Health and Safety Rating System (HHSRS) - local authorities keep under review the conditions of residential buildings in their area and take action where hazards are identified. Local authorities have a duty to take enforcement action on category 1 hazards and a power to take enforcement action on category 2 hazards. Supporting legislation setting standards for landlords and	

Legislation/ LA type	District Council	County Council	Unitary Council	Combined Authority
	private housing that can be enforced under HHSRS.		private housing that can be enforced under HHSRS.	
Local Government and Public Involvement in Health Act 2007, amended by the Health and Care Act 2022		Duty to prepare and publish (with Integrated Care Board) a Joint Strategic Needs Assessment and Joint Local Health and Wellbeing Strategies.	Duty to prepare and publish (with Integrated Care Board) a Joint Strategic Needs Assessment and Joint Local Health and Wellbeing Strategies.	
Health & Social Care Act 2012		Duties for the improvement of public health, including to take steps they consider appropriate for improving the health of the people in their areas.	Duties for the improvement of public health, including to take steps they consider appropriate for improving the health of the people in their areas.	

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