

TAYSIDE AND CENTRAL SCOTLAND TRANSPORT PARTNERSHIP**EXECUTIVE COMMITTEE****3 FEBRUARY 2020****SCOTLAND'S LOW EMISSION ZONES: REGULATIONS AND GUIDANCE
CONSULTATION RESPONSE****REPORT BY SENIOR PARTNERSHIP MANAGER**

This report seeks the Executive Committee approval of a proposed response to the Transport Scotland consultation on 'Scotland's Low Emission Zones: Consultation on Regulations and Guidance.'

1 RECOMMENDATION

- 1.1 That the Executive Committee considers and approves the proposed response to the Transport Scotland consultation on 'Scotland's Low Emission Zones: Consultation on Regulations and Guidance', as shown in Appendix A.

2 BACKGROUND

- 2.1 Transport Scotland published the consultation document '[Scotland's Low Emission Zones: Consultation on Regulations and Guidance](#)' on 13 December 2019, asking for responses to be submitted by 24 February 2020.
- 2.2 The date of submission to Transport Scotland is prior to the next full Partnership meeting and therefore, as provided in the Tactran Scheme of Delegation, the Executive Committee is asked to consider and approve a proposed response to the Transport Scotland consultation.

3 DISCUSSION

- 3.1 [Scotland's Low Emission Zones: Consultation on Regulations and Guidance](#) gives an opportunity to seek opinions on issues that underpin the operation and delivery of Low Emission Zones (LEZs), including the substantive issues of emission standards, exemptions and penalty charges. A LEZ is defined as a designated area from which a vehicle is prohibited unless it meets the emission standard or is exempt.
- 3.2 In 2017 Scottish Government through its Programme for Government set out the intention to implement LEZs in Scotland 4 main cities of Aberdeen, Dundee, Edinburgh and Glasgow between 2018 and 2020 and in all Air Quality Management Areas (AQMAs) by 2023, where evidence shows they are an appropriate option to improve air quality. Currently there are 3 AQMAs declared within the Tactran area; Dundee, Perth and A85 corridor through Crieff.

- 3.3 There has been significant scrutiny of LEZs and air quality in recent years and this has led to the inclusion of LEZs into the Transport (Scotland) Act 2019 in order to provide the legislative framework to design, establish, and operate nationally consistent LEZs. This consultation provides an opportunity to offer views on the key aspects of LEZ Regulations that derive from the Transport (Scotland) Act 2019.
- 3.4 The purpose of this consultation is to set out the proposed arrangements and options related to the nationally consistent LEZ standards which will be set out in regulations in tandem with guidance. The regulations are vital in delivering successful, fair and equitable LEZs.
- 3.5 Chapters 8 and 9 of the consultation document set the scene for LEZs and outline the scope of the consultation. Chapters 10 and 11 outline the proposals for LEZ regulations and guidance, seeking views on a selection of issues such as the emission standards, penalty charge rate, enforcement and exemptions.
- 3.6 Tactran in general is supportive of the implementation of LEZs and is a member of Dundee Low Emission Zone Delivery Group. The main points of the Tactran response to the consultation are:
- Generally agree with the present-day emission standards proposed for LEZs;
 - Considers that the primary purpose of LEZs is to improve Air Quality and this should include a phased improvement towards zero emissions. This will also contribute to a reduction in greenhouse gas emissions;
 - Considers that a shift to zero or ultra-low emission city centres by 2030 is laudable but is concerned that the challenging timescale brings issues of equity and also for required investment in public transport and road haulage vehicles. It is considered that the date should be more aligned with Scottish Government's Climate Change Plan commitment to phase out the need to buy petrol and diesel engine cars and vans by 2032;
 - Exemptions proposed are agreed and consideration should also be given to emergency voluntary sector vehicles and could also be given to utility emergency repair and accident and breakdown vehicles;
 - Penalty charge notices should be consistent across Scotland and charges set to be in line with parking and bus lane enforcement penalty charges;
 - Surcharges should not be imposed for repeat offenders, as it is considered that the surcharge system proposed is overly complex, punitive and complicated to administer;
 - Supports the wide range of consultation and in particular mandatory consultation with neighbouring Local Authorities and Regional Transport Partnerships as an LEZs influence is regional. It is also considered that public consultation should include residents in neighbouring Local Authorities;
 - Considers that the primary focus of LEZs should be to improve air quality with a reduction in greenhouse gas emissions a welcome consequence.
 - Agrees with the topical areas for secondary objectives and considers that they need to align with Economic Development Plans, Local and Strategic

Development Plans, Local and Regional Transport Strategies, as well as forming an integrated solution with other traffic demand management measures;

- Considers that penalty charge notice should be used to fund complementary measures to support the objectives of the LEZ and this need not be confined to be within the Local Authority area, but could be used in neighbouring Local Authority areas where there is a direct positive impact on the LEZ objectives;
- Considers that the steps for introducing a LEZ are robust, but should include mandatory and public consultation on the finalised LEZ design.
- Notes that lower socio-economic groups could be adversely affected as they may not have the means to afford compliant vehicles and may not always have access to alternative travel modes, particularly in rural areas.

3.7 The Executive Committee is asked to consider and approve the proposed response as shown in Appendix A.

4 CONSULTATIONS

4.1 This report has been prepared in consultation with the Transportation Officers and Public Transport Officers Liaison Groups.

5 RESOURCE IMPLICATIONS

5.1 This report has no direct resource implications.

6 EQUALITIES IMPLICATIONS

6.1 This report has been screened for any policy implications in respect of Equality Impact Assessment and no material issues have been identified.

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NOTE

The following background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (and not containing confidential or exempt information) were relied on to a material extent in preparing the above Report:

‘Scotland’s Low Emission Zones: Consultation on Regulations and Guidance’, Transport Scotland, December 2019

Transport Scotland

Scotland's Low Emission Zones

Consultation on Regulations and Guidance

Tactran Response

- 1a Do you agree with the proposed present-day emission standards for Scottish LEZs?
If not, why not?**

Tactran agrees with the present-day emission standards proposed. However, the proposal to scope out motorcycles, mopeds, motorised tricycles and quadricycles is not supported. Although these vehicles take up less road space than other motorised vehicles they do contribute to the overall air pollution and should be subject to an equivalent engine standard.

- 1b What are your views on Scotland making a transformative shift to zero or ultra-low emission city centres by 2030? Please be as specific as possible in your reasoning.**

While this is a laudable ambition, the timescale of 2030 for zero to ultra-low is particularly challenging.

There are two related outcomes here. One is to improve the air quality for health benefits for people living, working or visiting Scotland's city centres and this is the primary purpose of LEZs. This is area specific and provides benefits to the specific LEZ area.

The second desired outcome is the decarbonisation of transport to assist in reducing CO₂ emissions and benefit global climate change. While the LEZ area can contribute to this outcome, its benefits are not directly related to the LEZ area. Therefore, to concentrate solely on city centres and LEZs, is only dealing with a part of the overall CO₂ emissions generated throughout the road network in Scotland, which also have a wider impact on CO₂ emissions.

There needs to be a balanced approach recognising that LEZs are one option in delivering air quality improvements, with other options such as traffic management, bus priority, and park & ride/choose, active travel, etc. also required to remove traffic and provide alternatives to driving in city centres.

The 2030 target is 2 years in advance of the Scottish Government's Climate Change Plan 2018-2032 commitment to phase out the need to buy petrol and diesel engine cars and vans by 2032. This timescale brings issues of equity, with poorer in society being not being able to afford new vehicles and also issues for public transport providers in being able to invest in required bus stock and similarly for road

haulage companies' investment.

It is agreed that LEZs focused on city centres should move towards zero emissions from the present-day emission standards on a phased basis, but it is considered that the date should be more aligned with the 2032 target, with appropriate investment made in achieving this target.

2a Which of the proposed national LEZ exemptions do you agree with? Please be as specific as possible in your reasoning.

Proposed exemptions for emergency vehicles, military vehicles, historic vehicles, vehicles for disabled persons and showman vehicles are all agreed.

Historic Vehicles should be exempt only if they are being used commercially e.g. vintage bus tour, wedding vehicles, etc.

It is agreed that 'blue badge holders' should be exempt as the person's mobility and ability to use alternative modes is limited. However, the difficulty in enforcing this, as blue badges are assigned to the person rather than vehicle, is recognised and will need to be addressed.

2b Are there any other LEZ exemptions you would propose? If so, what should these exemptions be and why?

Consideration should be given to exempting emergency voluntary sector organisations to give them the same status as other emergency vehicles to allow them to act swiftly without punitive fines.

Utility emergency repair vehicles and accident and breakdown vehicles could be made exempt, as disruption to traffic caused by utility malfunctions and breakdowns may cause increased congestion and worsen air quality within the LEZ, so swift ameliorative action is required to ensure air quality is maintained. For these types of vehicles, it may be that a time limited exemption is given, rather than a full exemption.

3a Do you agree with the proposed base level and subsequent tiers of penalty charges for each vehicle type as outlined in Table 5? Please explain your answer.

It is agreed that penalty charges should be nationally consistent and that the proposed base level of penalty charge should be in line with parking and bus lane enforcement penalty charges, currently £60 for cars and vans, reduced by 50% if paid within 14 days. It is also agreed that larger vehicles should have a higher penalty charge.

However, it is not agreed that there should be sequential surcharges and surcharges leading to fines up to £5,000 is excessive. The penalty charge must be seen as acceptable to the public and

commensurate with the offence, otherwise it will be considered a money-making exercise. It also needs to be easy to understand and to administer. It is considered that the surcharge system proposed is overly complex and punitive and complicated to administer.

It is therefore considered that a surcharge should not be imposed. Instead, a base level for each offence is set with the discount for prompt payment available for the first penalty notice, but not for subsequent penalties.

3b Which surcharge ‘curve’ in Figure 1 represents the best approach to designing a surcharge?

Tactran does not agree that a surcharge should be imposed. See 3a.

3c How should the surcharge approach be applied in order to discourage non-compliant vehicles from driving within a LEZ?

Tactran does not agree that a surcharge should be imposed. See 3a.

3d How many days should lapse before a registered keeper of a vehicle returns to the base tier of the penalty charge?

Tactran does not agree that a surcharge should be imposed. See 3a.

4 Do you agree with the general principles of the LEZ enforcement regime?

If not, why not?

The general principles are agreed and as set out in previous section this should be consistent throughout Scotland.

A properly designed and implemented LEZ should not generate much income through penalty charges i.e. LEZ restrictions are generally met. However, the cost of installing, maintaining and administering the scheme, is likely to be onerous.

5 What are your views on the proposed list of ‘other persons’ that local authorities must consult with on their LEZ plans?

Tactran in general supports the wide range of ‘other persons’ whom Local Authorities must consult with. In particular we welcome RTPs and neighbouring Local Authorities being included as mandatory consultees, as a LEZ influence is a regional influence and it is correct that a LEZ is considered in this context. Given its regional influence, the National Transport Strategy transport governance review, may wish to consider which tier of governance is most suitable to implement and administer a LEZ.

The prior consultation section of the consultation document makes

mention of drivers affected being consulted, but only mentions residents living within a LEZ being consulted. It is considered that public consultation should be wider than this and include all residents living within the local authority and neighbouring local authorities to take account of the regional influence.

6 If a LEZ scheme review was undertaken, what elements would you expect the review to investigate and how would the review ensure transparency and accountability?

A review should focus on how the scheme is meeting its stated objectives. As part of designing and implementing the LEZ scheme the Local Authority, as well as setting objectives for the LEZ, should also state how they intend to measure progress towards meeting the objectives.

In order to achieve transparency and accountability the review should be taken to the relevant Local Authority Committee for approval and thereafter made available prominently on their website. Once approved by the Local Authority the review could be taken to the relevant RTP(s) Partnership meeting for noting and thus bringing awareness on a regional level and displayed on the RTP website.

All LEZ reviews should be submitted to Scottish Government to be able to assess and learn which aspects of each LEZ have been particularly successful and less successful. This would assist in issuing future guidance. It would also be useful to keep all LEZ reviews on a Scottish Government national website for ease of use and comparison.

Any amendments to a LEZ as a result of the review must follow the same process as the introduction of a new LEZ, and in particular be subject to the same level of consultation prior to the amendment being introduced.

7 What secondary objectives should be created for LEZ schemes? Please be as specific as possible in your reasoning

The overall objective should be the betterment of quality of life for all people living, working, and visiting cities, of which supporting the achievement of Scottish Air Quality objectives is a primary objective.

Improving air quality must be the primary objective of a LEZ as the choice of location and area to be covered is largely defined by the Air Quality Management Area (AQMA) and the benefits of a LEZ largely occur within the area. Therefore, the design and implementation should be focussed on this. This may also assist in the second mandatory objective, contributing to achieving climate change emission reduction targets, but the primary focus must be on local air quality.

Only 14 of Scotland's 32 Local Authorities have currently declared

AQMAs within their area and these must concentrate on air quality, rather than reduction in greenhouse gases. Measures to reduce CO₂ emissions need to be more universal and should cover all road traffic in Scotland, including trunk road traffic.

It is important that LEZs are not introduced in isolation and are aligned with Economic Development Plans, Local and Strategic Development Plans, Local and Regional Transport Strategies and take cognisance of the review National Transport Strategy, as well as forming an integrated solution which could include such measures as traffic management, bus priority, park & ride/choose, active travel, etc. for any given LEZ and AQMA.

Tactran agrees with the topical areas and the examples of secondary objectives given.

It is also considered the use of penalty charge monies should not be limited to be within the Local Authority area, as the measures available to reduce emissions within a LEZ can include measures in neighbouring authorities e.g. a Park & Choose site at the south side of the Tay Road Bridge in Fife will assist in meeting the Dundee LEZ objectives. RTPs could play a useful role in this.

The review of the objectives referenced in Question 6 could provide a good opportunity to review the scheme objectives, if they have been met and consider whether the objectives should be amended or renewed to the betterment of the LEZ, before consideration is given to repayment of any grants by Scottish Ministers.

8 Do you agree with the steps outlined in Figure 2 for enabling a LEZ scheme to come into effect? If not, why not?

Tactran considers the steps outlined in Figure 2 generally provide a robust process. However, Tactran is concerned at the proposed consultation outlined. Step 2 in Figure 2 only mentions Public consultation, and it is considered both Mandatory and Public consultation is required at Step 2, to assist in developing the design of the LEZ. There should also be consultation between Steps 3 and 4 where the preferred final design is open to consultation by both the Public and Mandatory consultees.

It is recognised that the timescale to complete the process, particularly with the 2020 timescale for the first 4 LEZs, is challenging.

9 How can local authorities maximise the technological opportunities available from the deployment of approved devices?

There may be opportunities to integrate ANPR technology with other enforcement aspects such as parking and bus lane enforcement and other aspects of the Transport Act such as pavement parking.

Local Authorities could also work with technology providers to assess

capabilities of the system and consider how information can be utilised. For example, ANPR could be used to provide information on where vehicles accessing the city centre are originating and help design, implement and target promotion of alternative transport modes and options in these areas, thereby assisting achieving in the objectives of the LEZ.

10 What positive or negative impacts do you think the LEZ proposals outlined within this consultation may have on:

(a) particular groups of people, with particular reference to 'protected characteristics' listed above

(b) the very young and old

(c) people facing socioeconomic disadvantages

LEZs are likely to have beneficial health effects on people who reside within LEZ zones, particularly the young and old benefiting from better air quality.

People with disabilities may be negatively affected if disabled registered vehicles and blue badge holders are not exempted.

There is also concern that LEZs will impact disproportionately on the less affluent in society, as those more affluent are able to afford vehicles which meet LEZ Euro engine standards.

Lower socio-economic groups may not be able to afford LEZ compliant vehicles and will therefore need alternative transport arrangements to access employment, health, social and leisure requirements. In general, but not always, in urban areas buses provide this alternative. However, in many rural hinterlands, people who rely on access to cities do not have access (availability, frequency and possibly financial) to a suitable bus service to provide alternative transport and could therefore be excluded from accessing employment, training, health, social, leisure and other opportunities. Other measures such as park & ride/choose need to be introduced and funded.

11 Do you think the LEZ proposals outlined within this consultation are likely to increase, reduce or maintain the costs and burdens placed on business sectors? Please be as specific as possible in your reasoning

There is likely to be an increase in business costs particularly to bus operators and road haulage companies, if they are required to renew vehicles in advance of scheduled renewals.

It will also be interesting to consider whether city centre businesses within a LEZ suffer a reduction, increase or no change in business due to a LEZ being implemented. This is likely rest on whether the general public think the LEZ makes the city centre less accessible or

whether they are attracted to the city centre as a result of the improved environment. Scottish Government should commission a business/economic survey in all LEZ areas prior to their implementation to give an economic baseline to measure against and provide further evidence of a LEZ impact.

12 What impacts do you think the LEZ proposals outlined within this consultation may have on the personal data and privacy of individuals?

A properly designed LEZ should have no impact on personal data and privacy. However, it is important to gather data to help assess the effectiveness of the LEZ, and possible improvements and complementary measures. This could be achieved by ensuring data is kept for a limited period and is suitably anonymised to comply with GDPR.

13 Do you think the LEZ proposals outlined within this consultation are likely to have an impact on the environment? If so, which ones and how? Please be as specific as possible in your reasoning.

Air quality should improve within the LEZ and possibly over a wider area. However, there is a need to guard against making air quality worse in other adjoining areas due to displacement of traffic.

Greenhouse gas emissions should lower by achieving cleaner vehicles, modal shift and maybe reducing the need to travel.

There could be an adverse visual impact due to signage, road markings and ANPR equipment – these need to be highly visible to ensure proper enforcement but also need to be designed to fit in with the surrounding streetscape.

14 Do you have any other comments that you would like to add on the Scottish Government's LEZ proposals outlined within this consultation?

No Comment